

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE REGARDING
DESIGN DISTRICTS (TC1400003)**

WHEREAS, the Durham City Council wishes to amend provisions in the Unified Development Ordinance in order to modify, clarify, and re-organize the Design District zoning regulations; and

WHEREAS, it is the objective of the Durham City Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivision; Article 14, Nonconformities; Article 16, Definitions; and the creation of a new Article 17, of the *Unified Development Ordinance* is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below and within Attachments A1 through A6:

PART 1

[Revisions found in Attachments A1 through A6, reflecting the proposed amendments including replacing Article 16, Definitions with Article 16, Design Districts (Attachments A1-A4), a new Article 17, Definitions (Attachment A5), and miscellaneous amendments (Attachment A6)]

Article 16 Design Districts

Sec. 16.1 Purpose, Applicability, and Use Regulations

Sec. 16.2 Site Design

Sec. 16.3 Building Design

Sec. 16.4 Streetscape, Right-of-Way, and Block/Lot Standards

Article ~~16~~17 Definitions

Sec. ~~16~~17.1 Word Usage [Text remains unchanged]

Sec. ~~16~~17.2 Abbreviations [Text remains unchanged]

Sec. ~~16~~17.3 Defined Terms [See Attachment A5 for amendments]

PART 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes.

PART 3

That this amendment of the Unified Development Ordinance shall become effective September 1, 2017.

16.1 Purpose, Applicability, and Use Regulations

16.1.1 Purpose

Design District standards shall be established to regulate the physical form of specific areas within the community, and implement to the intent within Sec. 4.5, Design District Intent Statements. Design Districts regulate the relationship between buildings and the streetscape by focusing on mass, scale, and character along the street. Although land uses are regulated, the emphasis is on appropriate building placement and massing. They are intended to encourage innovative projects that are integrated and compatible with nearby development.

16.1.2 Applicability

A. Standards within this Article shall apply to any property with a Downtown Design District (DD) or Compact Design District (CD) zoning designation and applicable sub-district zoning designations.

B. Applicability of Other Articles

1. Unless exemptions or alternate standards are explicitly established in this Article, all standards and provisions of this Ordinance shall apply to development within any Design District.
2. If conflicts exist between the requirements of this Article and other Articles of this Ordinance, the requirements of this Article shall apply.

C. Where a Design District is overlaid by a Historic District Overlay, the standards set forth in Sec. 4.10, Historic District Overlay, shall also apply.

D. Landscaping and Parking

1. For landscaping, buffering, and parking regulations, refer to Article 9, Landscaping and Buffering; and Article 10, Parking and Loading, respectively.
2. Unless otherwise specified within this Article, any landscaping required within this Article shall comply with the general, landscape design, and existing vegetation standards of Article 9, Landscaping and Buffering, including standards within the *Landscape Manual*.

E. Durham Design Manual

The *Durham Design Manual* shall be used to provide guidance in complying with applicable Design District standards. Where there is a conflict between the manual and Design District standards, the Design District standards shall apply.

16.1.3 Uses and Density

A. Primary, accessory, and temporary uses shall be in accordance with Article 5, Use Regulations.

B. Ground Floor Residential Uses and Overnight Accommodations

1. For residential uses and guest rooms for overnight accommodations, the finished floor elevation shall be, at any point, at least 30 inches above the adjacent street grade.
2. Exemptions are as follows:
 - a. Utilization of the Forecourt Frontage type with a minimum forecourt depth of 10 feet.
 - b. The uses on the ground floor of a building are located at least 20 feet from the street facing facade.

- c. Entry areas, such as lobbies, foyers, or common areas.

C. Buildings With One or Two Dwelling Units

1. Nonresidential Requirement

Buildings with one or two residential units shall include a separate, primary nonresidential use within the building other than home occupations.

2. Exemption

In the S2 sub-district, development sites shall be exempt from the above requirement when adjacent to (including directly across a public right-of-way) a residential zoning district or use.

D. Residential Density

1. DD District Density Requirement

No minimum or maximum density requirements shall apply within the DD District.

2. CD District Density Requirements

- a. Residential development within the CD District shall be in accordance with the following density requirements.

| <u>Sub-Districts</u> | <u>Residential Density</u> | |
|----------------------|----------------------------|--------------------------|
| | <u>Min. (units/acre)</u> | <u>Max. (units/acre)</u> |
| <u>CD-C</u> | <u>22</u> | <u>60</u> |
| <u>CD-S1</u> | <u>16</u> | <u>53</u> |
| <u>CD-S2</u> | <u>9</u> | <u>20</u> |
| <u>CD-P(N)</u> | <u>16</u> | <u>53</u> |

- b. In the CD-S2 sub-district, any projects of 200,000 square feet or greater shall consist of a residential component and comply with the density requirements above.

- c. Density shall be calculated based upon the entire site acreage, including areas precluded from consideration for density in Article 8, Environmental Protection.

d. Additional Density

Additional density is allowed pursuant to Sec. 6.6, Affordable Housing Bonus.

E. Additional Use Limitations

1. Commercial uses in the CD-S2 shall only be permitted as follows:

- a. Property shall have frontage on a minor or major thoroughfare, or boulevard, as designated in the adopted Comprehensive Transportation Plan (CTP) as amended.
b. The size of the use shall be limited to 20,000 square feet per establishment.

2. Non-commercial uses shall not be permitted on the ground floor of the CD-P(N) sub-district; however, upper story residential uses can have ground level access.

3. Ground Floor Use Limitations

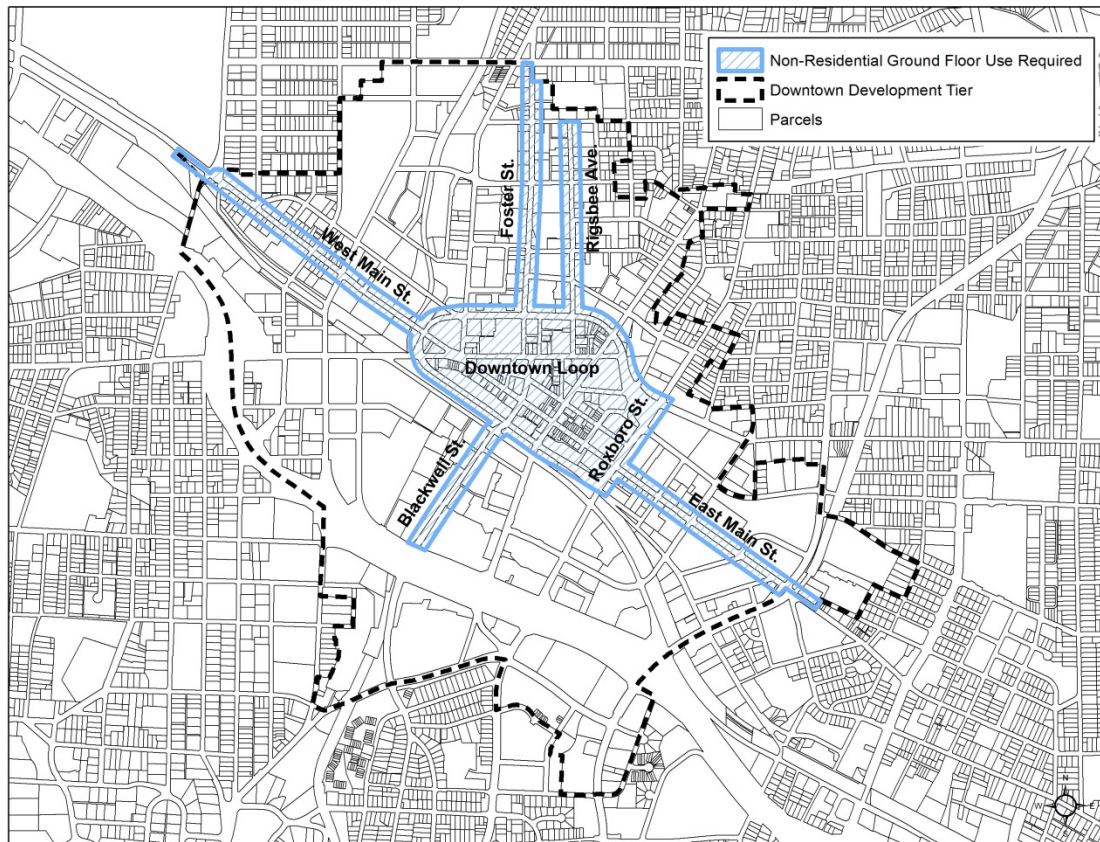
- a. Ground floor frontage of any building fronting along the following streets, as depicted in the following map and listed in paragraph b, Applicable Streets, shall only contain nonresidential uses other than parking, pursuant to Sec. 5.1, Use Table.

(1) The area required for nonresidential uses shall have a minimum interior depth of 20 feet.

(2) Upper story residential uses can have ground floor access.

b. Applicable Streets

- (1) All frontages along Foster Street, Corcoran Street, and Blackwell Street up to the intersection of Jackie Robinson Boulevard;
- (2) All frontages along Rigsbee Avenue;
- (3) All frontages along East and West Main Street; and
- (4) All frontages within and along the Downtown Loop, including Roxboro Street.



16.2 Site Design

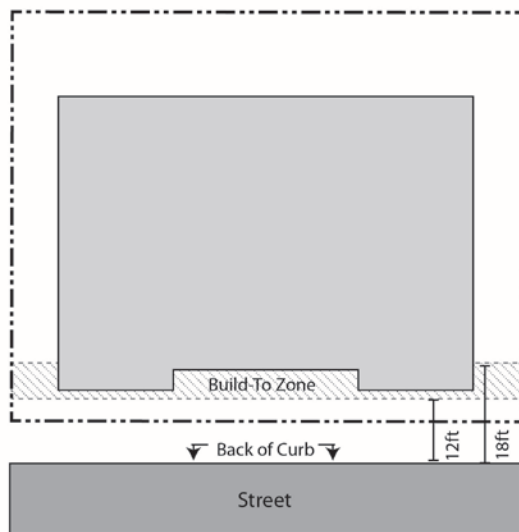
16.2.1 Building Placement Standards

Unless otherwise specified within the individual Frontage or Building Type standards pursuant to paragraph 16.3.2, the following standards shall apply.

A. Build-To Zone

1. Measurement

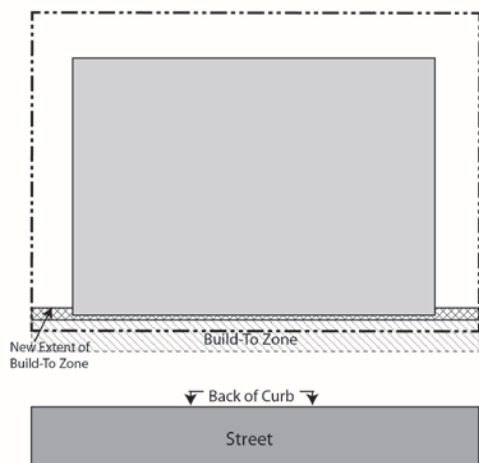
- a. The build-to zone shall be 12-18 feet from back-of-curb of each street.



- b. Where the back-of-curb varies along a street, measurement shall be from the back-of-curb closest to the property line.

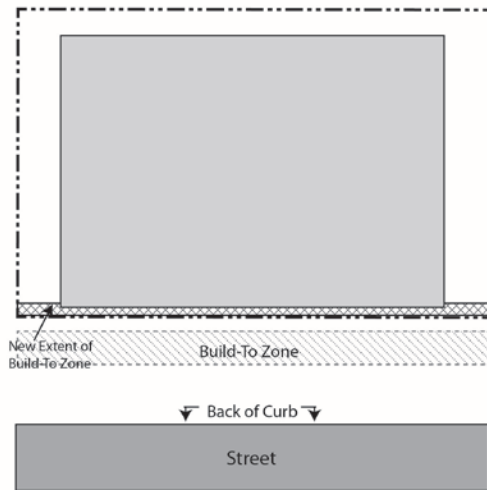
2. Conflict with Right-of-Way

- a. Where at least 50% of the depth of the build-to zone is within right-of-way, an additional two feet shall be added to the depth of the build-to zone.



- b. Where right-of-way encumbers the entire build-to zone:
 (1) The building shall be placed no more than two feet from right-of-way line.

- (2) An additional adjustment, of the minimum amount necessary to avoid encroachment of footings into the street, shall be allowed if demonstrated with a sealed foundation plan.



3. Other Build-to Zone Exceptions

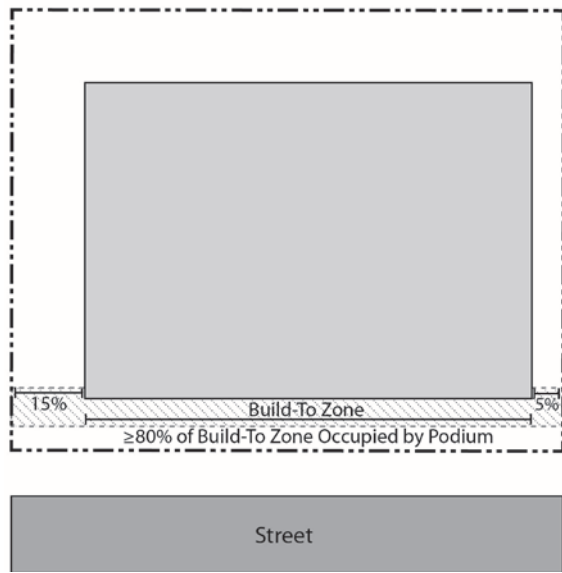
- a. Build-to zones shall not apply to alleys.**
- b. Cornices, eaves, doorway canopies, balconies, and other similar building appurtenances can extend out of the build-to zone.**
- c. Podiums, or portions thereof as applicable, can be located out of the build-to zone to the minimum extent necessary to avoid existing easements or sight distance triangles.**

Commentary: Any proposed encroachment into right-of-way will require compliance with any other applicable codes and an approved legal agreement with the City or NCDOT, as applicable.

B. Percent Placement

For all Frontage Types, except as specified below, a minimum percentage of the build-to zone shall be occupied by the building podium, calculated as a linear measurement within the build-to zone along the width each street frontage of the development site.

| <u>Sub-District</u> | <u>Minimum Percent</u> |
|------------------------------------|-------------------------------|
| <u>Core (-C)</u> | <u>80%</u> |
| <u>Support 1 (-S1)</u> | <u>70%</u> |
| <u>Support 2 (-S2)</u> | <u>60%</u> |
| <u>Pedestrian Business (-P(N))</u> | <u>60%</u> |

Example: Core (-C)

1. Courtyard Frontage Type buildings shall meet the building placement standards found in paragraph 16.3.1G, Courtyard Frontage Type.
2. For the Forecourt Frontage Type, the street side of the forecourt shall be used to meet percentage requirements.
3. The percentage can be reduced only to the minimum extent necessary to avoid existing easements, if required to accommodate emergency vehicle access or service areas, or if otherwise specified in this Ordinance.

C. Required Yards

1. For a building utilizing a Frontage Type, no street or side yards are required.
2. For a building utilizing a Building Type, refer to Sec. 16.3, Building Design.
3. The required rear yard for any building shall be as follows, unless otherwise specified in this Article:
 - a. For DD-C and DD-S1, no rear yard is required.
 - b. For DD-S2, a 25-foot minimum is required when adjacent to a residential district or residential use outside of the DD District.
 - c. For any CD sub-district, a 10-foot minimum rear yard is required.

16.2.2 Pedestrian Passages**A. Minimum Required**

1. One passage per every 250 feet of aggregate building facade per development along a street frontage.
2. Where a development includes the middle 50% of a block face, at least one passage shall be placed within the middle 50% of a block face.
3. For modifications to existing development, at least one passage shall be required:
 - a. If additional development creates at least 25% new building frontage along the street and would exceed the 250-foot facade standard, above; or
 - b. If replacing structures, or portions thereof, with street frontage that are at least 25% of the overall street frontage and exceeds the 250-foot facade standard, above.

B. Types of Passages

1. At least one passage shall be an “exterior” passage. These are either:
 - a. Between buildings;
 - b. An open-air tunnel through a building; or
 - c. Through a parking structure.
2. Additional passages can be interior through a building.
3. Except in conjunction with parking structures, passages shall not be used for motor vehicles.
4. A pedestrian mall per paragraph 16.4.3C, Pedestrian Mall Standards, shall qualify as a passage.
5. Sidewalks shall not qualify as a passage.

C. Dimensional Standards

1. Passages that do not run through parking structures shall maintain a minimum of twelve feet of clearance in width and height.
2. Parking structure passages shall be designated or marked pathways with a minimum width of six feet.
3. Routes shall be perpendicular to the street frontage with a maximum 15 degree variation to accommodate site or design conditions.

D. Architectural Standards

1. These standards shall apply to passages tunneling through buildings or interior to buildings.
2. Passage entries shall be architecturally distinct by at least two of the following methods:
 - a. A canopy or awning.
 - b. A distinctive architectural surround.
 - c. A change in materials or plane.

E. Lighting

Passages shall be illuminated per paragraph 7.4.3, Standards.

F. Access

1. Pedestrian passages shall not be blocked, gated, or barred in such a manner to prevent 24-hour public access, except as follows for security purposes:
 - a. Access to passages after hours of operation; or
 - b. Access to passages that only serve residential uses (including ancillary uses provided for residents of the development, such as but not limited to leasing offices, pools, and fitness facilities).
2. Gates shall have a maximum opacity of 50%.

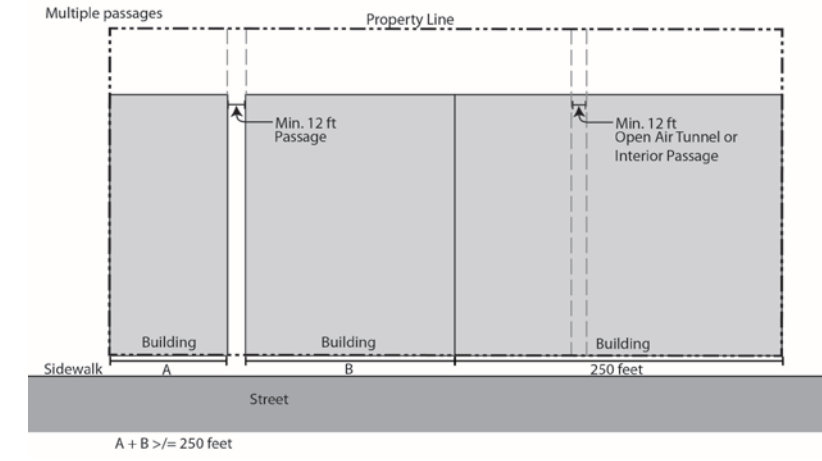
G. Way-finding

Pedestrian way-finding signage shall be provided throughout the passage route.

H. Inter-Connectivity

Pedestrian passages shall extend through the site to a right-of-way or property line.

1. Passages shall either connect to a passage on an adjacent site or opposing right-of-way, if available; or
2. Provide the ability for an adjacent development to connect to the passage.
3. Passages shall not be required to connect to limited access right-of-way, or active railroad or light rail lines.



16.2.3 Service Areas

A. General Standards

1. Where an alley is existing or proposed, service areas shall be placed along, and accessed from, the alley. Where conflicts with utilities, sight distance triangles, pedestrian accessibility, or vehicular and service accessibility exist, placement and access points from public or private streets shall be permitted.
2. No service areas shall be placed along a street frontage unless the development site has at least two street frontages.
3. Unless the development site is bound by right-of-way on all sides, no service area shall be permitted along the frontage of the streets in paragraph 16.1.4E.3, Ground Floor Use Limitations.
4. No garage entry for an individual dwelling unit shall be placed within facades along a street frontage. Such garage entries shall be placed along an alley or common access drive.
5. No frontage type or ground floor glazing requirement shall apply within the extent of the service area.
6. The service area can be set back a maximum of 10 feet from the build-to zone, but shall not be set back more than 40 feet from the back of curb. The setback shall apply only for the width of the service area.
7. Required sidewalk clear zone per paragraph 16.4.2B, Sidewalk Clear Zone, shall be maintained.

B. Street Frontage Service Areas

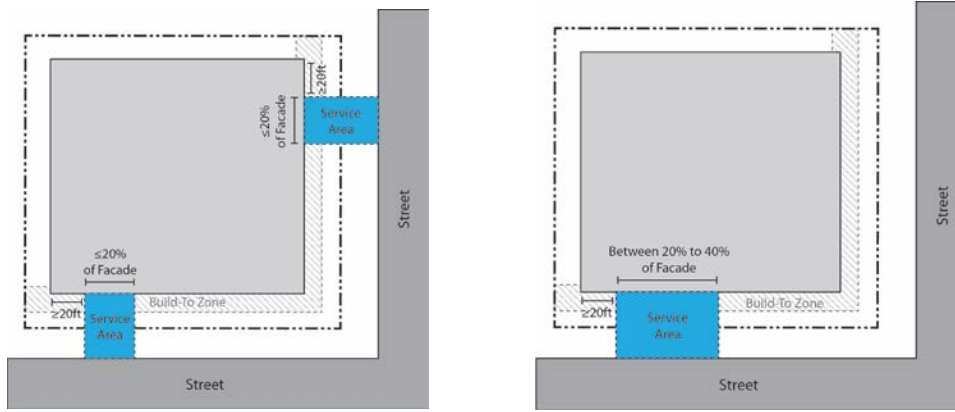
If a service area is placed along a street frontage, the following shall apply:

1. Corners

A service area shall be at least 20 feet from any building corner with street frontage.

2. Maximum Designated Area

- a. A maximum of 20% of a facade length along each individual street can be designated as a service area; or
- b. More than 20%, up to a maximum of 40%, of a facade length along only one street can be designated as a service area, with no other service areas allowed along the other street frontages.



C. Utilities and Solid Waste Facilities

Sec. 7.6, Utility and Solid Waste Facilities, shall apply with the following additional requirements:

1. Solid Waste Collection

- a. All new development, not including structured parking, of 100,000 building square footage or greater shall provide trash compactors on site.
- b. Where shared solid waste facilities exist on sites to be redeveloped, the redevelopment shall continue to accommodate sufficient shared facilities.
- c. A site can be designed to allow solid waste collection vehicles to back a maximum of 40 feet into sites given the following criteria:
 - (1) Pickup only occurs during off-peak hours, as determined by the Transportation Director or designee; and
 - (2) The street is not a State-maintained road.
- d. A dedicated area for the separation, collection, and storage of recyclables shall be provided.

2. Utilities and mechanical equipment

All utilities and associated equipment, and other mechanical equipment serving the site shall be installed underground or on rooftops, unless:

- a. Another applicable code prevents such locations; or
- b. If documentation from the service provider prohibits such locations.

16.2.4 Open Space

A. Applicability

1. Unless otherwise specified, open space shall be provided in lieu of the requirements of Sec. 7.2, Open Space.
2. Area developed as required streetscape shall not be applied to open space requirements.
3. Open space shall be provided for development of at least 80,000 square feet of building square footage on 3.5 acres or more.
4. Pedestrian Malls pursuant to paragraph 16.4.3C, Pedestrian Mall Standards, shall qualify for required open space.

B. Ownership, Management, and Accessibility

The requirements pursuant to paragraph 7.2.5 Ownership and Management of Open Space, shall apply.

1. Open space shall be maintained for public access even if under private ownership. An easement to maintain public access shall be required.
2. Open space shall be handicap accessible.
3. Maintenance of open space, if privately owned, shall be the responsibility of the private entity and not that of the City or County.

C. General Requirements**1. Area and Location**

- a. Open space shall be provided on the development site.
- b. A maximum of two open space areas shall be provided.
- c. The minimum amount of open space square footage shall be 2% of the development site area.
- d. Payment in lieu can be provided if such a program has been established.

2. Dimensions

- a. The minimum dimension for each open space area shall be 25 feet in all directions
- b. The minimum street frontage width shall be 25 feet.

3. Open Space Amenities**a. Seating**

One linear foot of seating for every 100 square feet of open space shall be provided. Ledges and/or walls can be used if the height is 18 to 30 inches high and at least 15 inches deep.

b. Trash/Recycling Receptacles

One set of trash/recycling receptacles per 5,000 square feet, with a minimum of one set, shall be provided.

c. Trees

One canopy tree per 1,000 square feet, with a minimum of one, shall be provided.

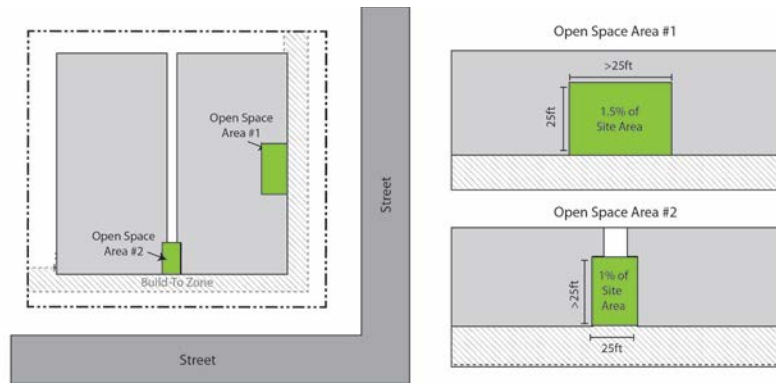
d. Pedestrian circulation shall be provided with a paved walkway with a minimum width of five feet.

(1) In DD, brick double-sailor-course banding as required for sidewalks shall be incorporated into each open space walkway to provide a visual connection from the streetscape to the open space.

(2) Lighting shall be provided for walkways and comply with Sec. 7.4, Outdoor Lighting.

4. Exclusions

1. Forecourts shall not count towards required open space.
2. Private recreational amenity areas, including but not limited to pools, fitness facilities, lounges and other similar amenities, shall not count towards open space requirements.
3. Rooftops of any type shall not qualify as open space unless approved as an alternative form of compliance pursuant to paragraph 16.2.4D, below.



D. Alternative Form of Compliance

An alternative to the size, configuration, or location requirements (as long as it remains on-site) of open space may be approved through approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. The general findings required for a minor special use permit shall apply, except the following findings shall replace the review factors per paragraph 3.9.8B, Review Factors:

1. That the alternative design shall provide better opportunities to utilize the open space than would otherwise be provided;
2. That the alternative design provides better access than would otherwise be provided; and
3. The amenities provided are substantially more than the minimum requirements.

16.2.5 Required Vegetation when Creating Vacant Lots

Any lot that becomes vacant due to demolition, for which a building or construction permit has expired or does not exist, shall meet the following standards in addition to any sedimentation and erosion control requirements of paragraph 12.10.4B, Stabilization of Disturbed Land:

- A. The lot shall be planted with ground cover, grass or other appropriate landscape material, or covered with hardscape material, and maintained. No bare earth shall remain visible.
- B. These actions must be completed within 30 days of demolition or the expiration of a building or construction permit, whichever comes last.

16.2.6 External Access

- A. Paragraph 12.2.4, External Access Required, shall not apply within the Downtown Design District.

B. Vehicular Access for Double-Frontage Lots

When vehicular access is proposed for both sides of double frontage lots, access points shall be off-set to inhibit cut-through traffic except in the DD District where alternate access points may be allowed as follows:

- a. Shall connect at least two public rights-of-way on opposite sides of the block;
- b. Shall be a minimum of 16 feet wide; and
- c. Shall be clearly visible to pedestrian and vehicular traffic.

16.3 Building Design

16.3.1 Frontage and Building Types

Frontage Types define the interface of the development with the streetscape and public realm. Building Types regulate massing of the entire building along all sides.

A. Applicability

1. Building design shall utilize either frontage type requirements or building type requirements, as permitted.

2. Frontage Type Applicability

a. Frontage types apply to all facades fronting along the following facilities: public and private streets, existing and adopted light rail corridors, common access drives serving multiple parcels or primary entrances, and public open spaces such as parks, paved trails, and pedestrian malls.

b. Frontage types shall not apply along alleys.

3. Building Type Applicability

A Building Type shall be applied only in instances specified pursuant to the standards of the specific building type.

B. Combinations

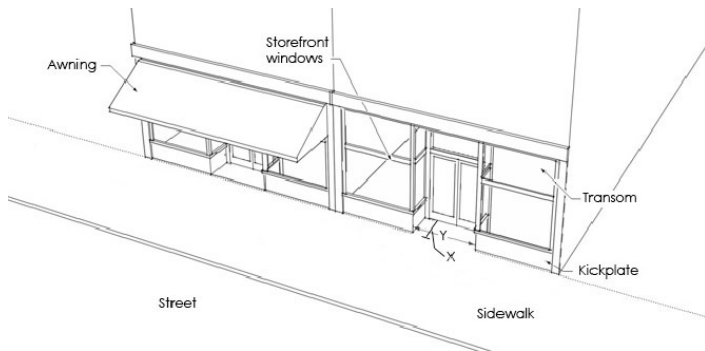
A building can employ different Frontage Types, but Building Types cannot be combined.

C. Permitted Frontage and Building Types

Permitted Frontage and Building Types are indicated by a “✓” in the table below.

| <u>Sub-District</u> | | <u>Frontage Type</u> | | | | <u>Building Type</u> | | |
|------------------------|----------------|----------------------|---------------|------------------|------------------|----------------------|-------------------|------------------|
| | | <u>Storefront</u> | <u>Arcade</u> | <u>Courtyard</u> | <u>Forecourt</u> | <u>Monumental</u> | <u>Incidental</u> | <u>Accessory</u> |
| <u>Downtown Design</u> | <u>DD-C</u> | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | <u>DD-S1</u> | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | <u>DD-S2</u> | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| <u>Compact Design</u> | <u>CD-C</u> | ✓ | ✓ | ✓ | ✓ | == | ✓ | ✓ |
| | <u>CD-S1</u> | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | <u>CD-S2</u> | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | <u>CD-P(N)</u> | ✓ | ✓ | ✓ | == | == | ✓ | ✓ |

D. Storefront Frontage Type



1. Description

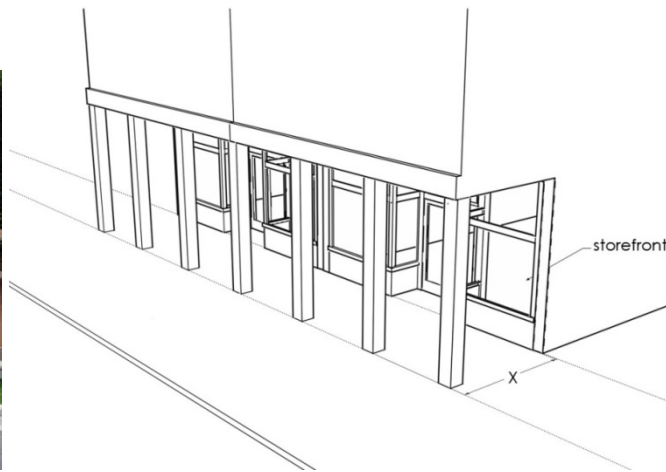
A structure with facades replicating traditional storefront design.

2. Building Standards

The following standards shall apply to the Storefront Frontage Type.

- a. The building mass shall be articulated with individual vertical divisions pursuant to paragraph 16.3.5C, Podium Vertical Articulation, spaced a maximum of 50 feet apart with a storefront.
- b. A storefront window system shall be used at the ground floor.
- c. A primary horizontal articulation shall be made between the ground floor and the upper floors that include a change in material or change in plane.
- d. A secondary, tripartite, horizontal articulation shall be made within the ground floor facade (for example: kickplate, storefront, and transom).
- e. Ground floor entries shall be level with the adjacent sidewalk and not cause doors to extend into the clear zone of a sidewalk.
- f. If entries are recessed:
 - (1) The recessed area shall be proportionally wider (Y) than they are deep (X); and
 - (2) The entry can face the street or face the side of the recessed area.

F. Arcade Frontage Type



1. Description

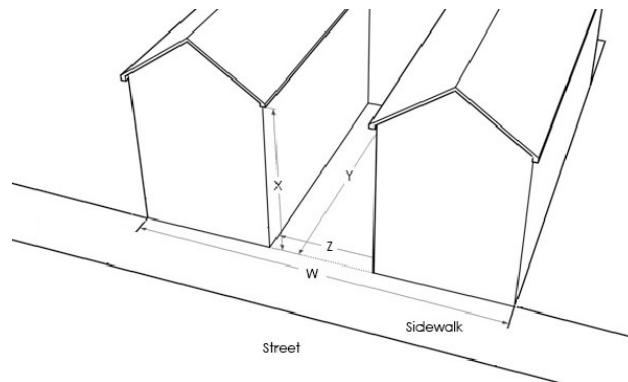
A structure with a recessed ground floor facade that creates a linear passageway parallel to the street, covered by the upper stories of the building which extend within the build-to zone.

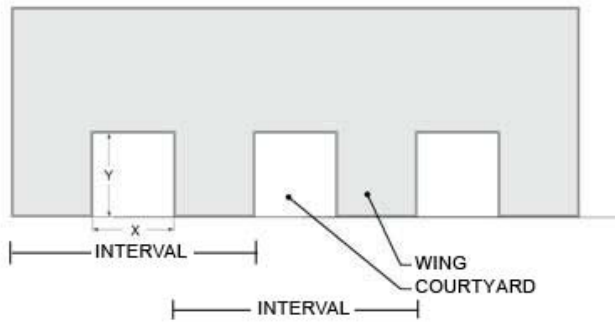
2. Building Standards

The following standards shall apply to the Arcade Frontage Type.

- a. The recessed facade at the ground floor, or “arcade”, shall comply with standards for the Storefront Frontage type.
- b. The depth (X) of the arcade shall be a minimum of eight feet and a maximum of 20 feet, measured from 12 feet from back-of-curb.
- c. Upper podium levels shall be located within the build-to zone.
- d. Upper stories shall be either cantilevered or supported by columns.
- e. When columns are used:
 - (1) Columns shall be placed within the build-to zone.
 - (2) Voids between columns shall not be permanently filled in.
 - (3) A minimum of 65% of the colonnade facade at the ground floor shall be —open.

G. Courtyard Frontage Type





1. Description

A structure with a full height recessed facade for a portion of the building frontage where the building(s) creates enclosure around an internal void (such as a U shaped building footprint).

2. Building Standards

The following standards shall apply to the Courtyard Frontage Type.

a. Dimensional Standards

| <u>Requirement</u> | <u>Minimum</u> | <u>Maximum</u> |
|---|--|---|
| <u>Required street frontage of the lot (W)</u> | <u>100 feet</u> | <u>---</u> |
| <u>Required courtyard width (Z) within build-to zone</u> | <u>20% of the building frontage or 30 feet, whichever is greater</u> | <u>50% of the building frontage</u> |
| <u>Required courtyard depth (Y)</u> | <u>50% of courtyard width (Z) or 30 feet, whichever is greater</u> | <u>---</u> |
| <u>Required courtyard width to building height ratio (Z:X)</u> | <u>1:2 (width half of building height)</u> | <u>2:1 (width double building height)</u> |
| <u>Required courtyard interval (defined as wing, courtyard opening, and wing)</u> | <u>---</u> | <u>200 feet</u> |

b. Courtyard openings shall not be placed on block corners.

c. Primary or Main Entrances

Primary or main entrances:

- (1) Shall be spaced at a maximum of 150 foot intervals along the frontage; and
- (2) Can be located in the courtyard instead of, or in addition to, entrances at the street.

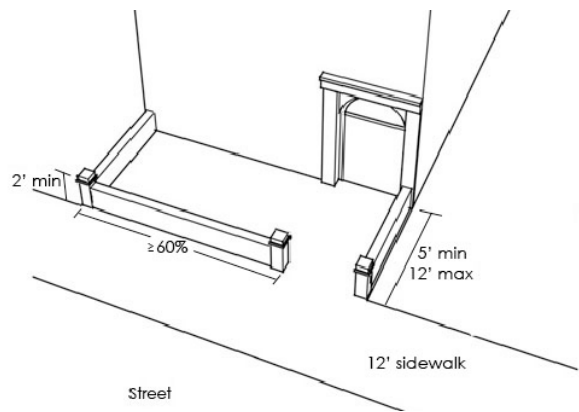
d. Courtyard amenities

When a development project does not have required open space per paragraph 16.2.4, Open Space, the following shall be provided.

- (1) One understory or canopy tree per 1,000 square feet of courtyard shall be provided, with a minimum of one tree.

- (2) Seating shall be provided at a rate of one linear foot per 100 square feet of courtyard, with a minimum of two seats. Ledges and/or walls can be used if the height is 18 to 30 inches high and 15 inches deep.

H. Forecourt Frontage Type



1. Description

A structure with facades that are separated from the sidewalk and/or street by a small forecourt.

2. Uses

Forecourts shall only be used for:

- a. Dwelling units designed at ground floor along the street frontage; or
- b. Guest rooms for overnight accommodations designed at the ground floor along the street frontage.

3. Building Standards

The following standards shall apply to the Forecourt Frontage Type.

a. Placement

- (1) The required forecourt shall be established 12 feet from back-of-curb. If that placement is within right-of-way, the placement shall be adjusted to the right-of-way line.
- (2) The forecourt may be established further than 12 feet only to the amount necessary to avoid encroachment into right-of-way or an existing easement.

b. Depth

The minimum depth shall be five feet and the maximum shall be 12 feet.

c. Fence or Wall

- (1) A minimum two-foot high fence or wall is required at each forecourt frontage along a street or other facility per paragraph 16.3.1A.2, Frontage Type Applicability, and shall comply with the provisions of Sec. 9.9, Fences and Walls.
- (2) The fence or wall shall be required for at least 60% of the forecourt frontage.

d. Access

- (1) Each forecourt shall provide either primary or secondary entrances, in addition to entrance requirements per paragraph 16.3.4, Building Access. If a forecourt

spans more than one dwelling unit, each individual dwelling unit shall have an entrance to the forecourt.

- (2) External access to the forecourt from the street shall be required at a minimum rate of one per 250 linear feet of, or portion thereof.

e. Amenities

- (1) At least three of the following shall be provided within the forecourt for every 50 linear feet of forecourt frontage, or portion thereof. Any two of items "a" through "c" can be combined as long as dimensional standards are met for each item.

(a) Seating- One linear foot for every 100 sf. of forecourt, with a minimum of two seats. Ledges and/or walls can be used if the height is 18 to 30 inches high and at least 15 inches deep.

(b) Raised planters (min planting area of 10 sf.) and/or an ornamental tree. These shall not count towards street tree requirements.

(c) A fence or wall two to four feet in height, perpendicular to the building face to create defined spaces.

(d) A trellis or tensile canopy (not retractable) with a depth of at least 75% depth of the forecourt.

- (2) Within the S1 and S2 Sub-districts

Forecourts within the S1 and S2 sub-districts shall also provide the following landscaping within the forecourt.

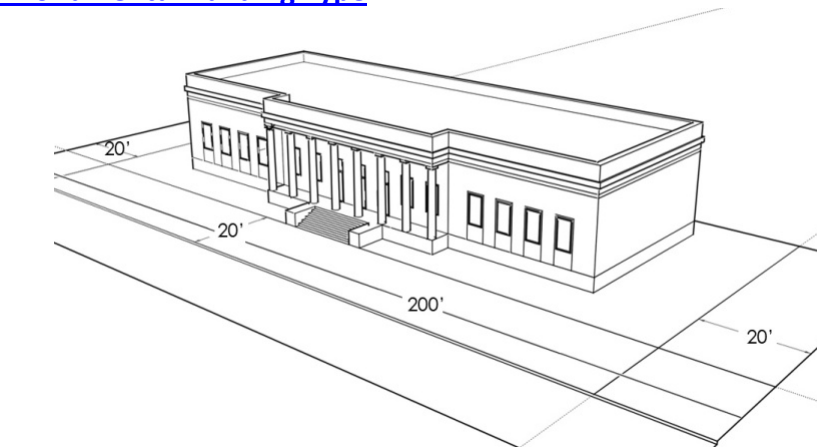
(a) Landscaping shall be provided at a minimum of 25% of the court area.

(b) Landscaping shall consist of raised planters with a minimum planting area of 10 square feet and/or in-ground landscaping consisting of shrubs or understory trees.

(c) Landscaping can be used to satisfy the requirement of paragraph e(1), above.

- (3) Planters provided for forecourts serving individual dwelling units shall be built-in or secured to the ground.

L. Monumental Building Type





1. Applicability

This Building Type can be utilized for public or private development with a qualifying use as listed below.

2. Qualifying Uses

a. Monumental Building Types can be used for only the following primary uses:

- Auditorium;
- City Hall or County Administration Complex;
- Courthouse;
- Library;
- Museum;
- Passenger Terminal;
- Place of Worship;
- School, elementary, middle, or high; or
- Theater.

3. Building Standards

a. The minimum setback from the right-of-way shall be 20 feet.

b. The minimum side yard shall be 20 feet on each side.

c. A minimum street frontage of 200 feet shall be required. For developments with multiple street frontages only one frontage shall be required to meet the minimum.

d. The following architectural standards shall apply.

(1) When provided, punched windows shall be a minimum of two feet wide by four feet tall.

(2) The primary entrance shall be located on the front facade and shall face the street yard along the primary public or private street frontage. The front facade shall be clearly defined and have a greater level of architectural expression and articulation than the remaining facades.

(3) The primary entrance shall be articulated as a major component of the main facade.

(4) Primary building materials shall consist of brick, cast in place concrete or pre-cast concrete panels, glass, metal, and/or stone.

4. Front Facade Street Yard Standards

The front facade street yard shall meet the following requirements:

- a. It shall be no more than three vertical feet higher than sidewalk grade at the street frontage for a minimum depth of five feet, measured from the property line at the right-of-way.
- b. It shall have a minimum depth of 20 feet from the back-of-curb, extend a minimum of the length of the building along the street frontage, and be comprised completely of landscaping and hardscaping as described below.
- c. A minimum of 30% of the street yard area shall be comprised of hardscaping and shall include the following:
 - (1) The entire hardscaped area shall be covered with modular pavers, decorative concrete, or stone paving.
 - (2) A minimum of one "element of interest" (i.e. fountain, art, clock, etc.) shall be provided.
 - (3) One linear foot of seating per 40 square feet of hardscaped area shall be provided.
 - (4) One trash and one recycling receptacle per 5,000 square feet of hardscaped area shall be provided.
- d. A minimum of 30% of the street yard area shall be comprised of landscaping and shall include the following:
 - (1) One 2 ½-inch caliper tree per 1,000 square feet of landscaped area shall be required; and
 - (2) No more than 50% of the landscaped area shall be lawn. The remainder of the area shall be planted with trees, shrubs, perennials, and/or annuals.
- e. It shall not be blocked, gated, or barred in such a manner to prevent 24-hour public access.

M. Incidental Building Type



1. Description

Incidental Buildings are primary structures that, due to size and/or use, frontage types would not be appropriate, as prescribed below.

2. Standards

- a. Except for permanent sales stands/kiosks and rail signal/utility shelters or cabinets, if other structures than those indicated below are located on the development site, then those structures indicated below shall be considered accessory structures and not incidental buildings.

b. No glazing requirements shall apply.

3. Types of Incidental Buildings

a. Park and Urban Agriculture Buildings

(1) Park buildings (restrooms, shelters, and other similar structures) and Urban Agriculture buildings (greenhouses, including hoop houses of similar size to greenhouses, tool/storage sheds, and other similar structures) shall have a minimum setback of 20 feet from the street right-of-way, and a minimum setback of five feet from all other property lines. Setbacks shall be increased to accommodate emergency vehicle access, if required.

(2) The maximum height shall be one story.

b. Rail Signal Shelters

(1) Rail signal shelters shall be located in railroad right-of-way unless documentation is presented to the Planning Director or designee that the shelter must be placed outside of the right-of-way and there is no alternative.

(2) If shelters are placed outside of railroad right-of-way, the following shall apply:

(a) Shelters shall be of a uniform weather-resistant material of either aluminum or steel kept in a metallic appearance; or

(b) If a different weather-resistant material or appearance is used, or if the shelter is placed within the streetscape, the shelter shall be screened or covered by public art that received a recommendation of approval by the Durham Arts Council Committee.

(c) The location of the shelter shall not conflict with any required streetscape amenities and shall maintain required clear zones.

c. Permanent Sales Stands/Kiosks

Commentary: Additional permits and license agreements may be required to use the public sidewalk.

(1) The maximum size of each stand or kiosk shall be 50 square feet.

(2) If located within public sidewalks or other public or private pedestrian walkways, required clear zones shall be maintained.

(3) Design Standards

The integrity of the stand or kiosk shall be maintained. Portions of the structure that are torn, broken, dented, or otherwise damaged shall be repaired or replaced.

(4) Signage

(a) A maximum of one sign per side is allowed.

(b) Maximum size per sign shall be eight sq. ft.

(c) Signs shall not contain changeable copy.

(d) Signs shall not extend above the roofline of the stand or kiosk.

N. Accessory Structures

Accessory structures shall be subject to the applicable requirements pursuant to paragraph 5.4.1, Accessory Structures, except as follows:

1. Accessory structures in Design Districts shall be located to the rear of the rear building line of the primary structure(s) and shall be subject to the side and rear yard requirements of those districts.
2. The height of the structure shall not exceed 35 feet and shall not exceed the primary structure in height.
3. The structure shall be compatible with the primary structure in style, materials, roof form, and details.

16.3.2 Structured Parking

The following standards apply to structured parking, either as a stand-alone building or as a component of a building.

A. Ground Floor

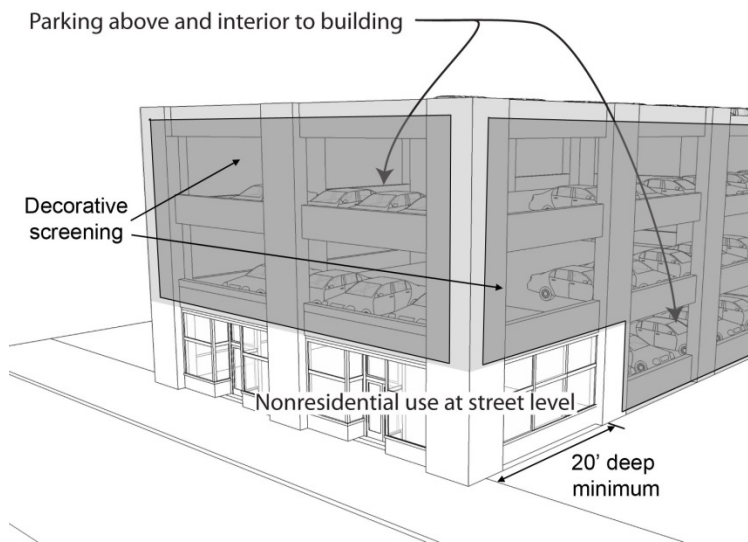
1. Parking shall not be exposed on the ground floor.
2. A frontage type pursuant to 16.3.1, Frontage and Building Types, shall be required along a public right-of-way or pedestrian mall.
3. Ground floor frontage along a right-of-way or pedestrian mall shall only be non-residential uses other than parking, pursuant to Sec. 5.1, Use Table, and meet the following requirements.
 - a. The area required for non-residential uses shall have a minimum interior depth of 20 feet and a minimum clear ceiling height of 14 feet.
- Commentary:** "Clear ceiling height" typically refers to the measured height from floor to ceiling without obstructions.
- b. For structured parking in a completely residential building, the ancillary uses typically provided for residents of the development, such as but not limited to, lobbies, fitness rooms, and leasing offices, shall be considered non-residential uses.
- c. Pedestrian and vehicular access to parking is allowed.
4. No more than 30% of the parking structure materials along the ground floor along all sides shall be exposed concrete.
5. Where non-vehicular vertical circulation elements are located along the street frontage they shall meet either the Storefront or Arcade Frontage Type requirements. Entrances to non-vehicular vertical circulation shall have direct access to and from the street frontage.
6. In order to minimize conflict between pedestrians and vehicles at pedestrian access points:
 - a. Pedestrian sight distance triangles for vehicles existing the structure measuring 10 feet by 10 feet, or pedestrian warning devices, shall be provided at all vehicular access points.
 - b. Pedestrian sight triangles shall be measured from the edge of the vehicle travel lane to the edge of the sidewalk or walkway closest to the vehicle.
7. Paragraphs 1 through 5, above, shall not apply to a frontage along a limited-access right-of-way or alley.

B. Architectural Standards

The following architectural standards shall apply:

1. Glazing requirements above the ground floor, per paragraph 16.3.6A, Minimum Glazing, shall not apply.

2. Paragraph 16.3.5, General Facade Requirements, shall apply.
3. The sloping nature of the interior structure shall not be exposed, repeated, or revealed on the exterior facade. Ramping in parking structures shall be internalized or screened to avoid an angular geometry to the perimeter of the structure.
4. When developed in conjunction with another principal building(s), or as a component of a building, exterior walls of parking structures shall be finished with the same material to match the architectural design of the principal building(s).
5. Exterior walls or decorative screening measuring at least four feet in height from each floor level shall be required and be 100% opaque in order to screen head or tail lights of vehicles.
6. All openings shall be screened with material that is at least 60% opaque with decorative screens, vegetative walls, or window frames, and shall be articulated with additional columns or pilasters.
7. Louvers shall not be used for screening.

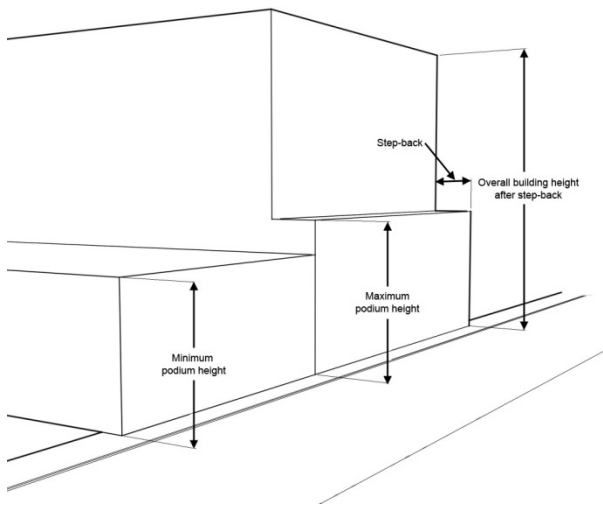


16.3.3 Height

A. Podium Height

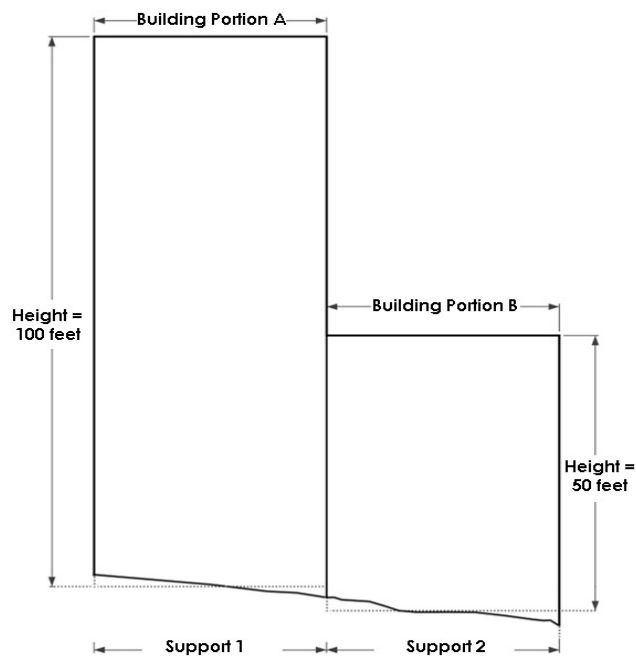
The minimum and maximum podium height is established along the street frontage based on sub-district.

1. All buildings utilizing Frontage Types, except the Forecourt Frontage Types, shall meet the podium height within the build-to zone.
2. Buildings utilizing the Forecourt Frontage Type shall meet the podium height at the back of the forecourt.



B. Application of Multiple Height Standards

For buildings where multiple height standards apply, each portion of the building is allowed to build to the allowable height in the sub-district where that portion of the building is located. Height will be computed independently for each portion of the building in each sub-district.



C. Sub-District Requirements

1. DD District

- a. Unless otherwise specified, the following standards shall apply to all Frontage and Building types.

| Building Height and Massing | | | | | | |
|-----------------------------|-------------------------------|-------------------------------|--|---|---|---------|
| DD Sub-Districts | Height Articulation (Massing) | | Maximum Building Height without Provisions | Maximum Building Height with Provisions | Optional Corner Tower Elements: Additional Height Above Proposed Podium Height | |
| | Minimum/Maximum Podium Height | Minimum Upper Story Step-Back | | | | |
| Core (-C) | 30 feet min | 75 feet max ¹ | 10 feet | 300 feet | Unlimited | 30 feet |
| Support 1 (-S1) | 30 feet min | 75 feet max ¹ | 10 feet | 100 feet | 175 feet | 20 feet |
| Support 2 (-S2) | 20 feet min | 35 feet max | 10 feet | 35 feet ² /50 feet | 65 feet | 12 feet |

¹See paragraph (1), below, for additional height allowance

²See paragraph (2), below, for height allowance.

- (1) For the Core and S1 sub-districts, if the adjacent right-of-way is at least 100 feet wide, then the maximum podium height shall be 100 feet.
- (2) For the S2 sub-district, the maximum building height shall be 35 feet when within 75 feet of non-design district zoning. Measurement shall be made from the zoning line. Right-of-way shall be excluded from the 75-foot measurement.



- (3) The upper-story step back is applied to all stories that exceed the maximum podium height.
- (4) The Monumental Building Type shall be exempt from height articulation requirements.
- (5) Incidental and Accessory Structure Building Types shall be exempt from the requirements in paragraph a, above.
- (6) Balconies and bay windows that extend out from the building are not required to meet step-back requirements.

b. Corner Tower Elements

When provided, a corner tower element shall be limited in width and depth to a maximum of 25% of the building frontage.

c. Maximum Building Height with Provisions

The maximum building height with provisions, as allowed in paragraph 16.3.3C.1.a, above, can be achieved by providing provisions for the development site pursuant to the table below.

(1) Project provisions required elsewhere in this Ordinance or in the City Code shall not qualify as amenities to achieve the height.

(2) The additional height shall be applied to the overall building height, and not to the maximum podium height.

(3) The additional height allowed is subject to the upper story step-back requirements.

(4) Eligible Provisions

| <u>Project Provisions</u> | <u>Standards</u> | <u>Additional Height Allowance</u> | | |
|--|---|------------------------------------|------------------|------------------|
| | | <u>Core</u> | <u>Support 1</u> | <u>Support 2</u> |
| <u>Historic Preservation</u> | <u>Undertake or incorporate the adaptive reuse of an existing historic structure, including local landmarks, National Register properties, or contributing buildings in a historic district. The renovation can add onto the structure but shall not demolish any historically significant portion of the structure.</u> | <u>45 feet</u> | <u>30 feet</u> | <u>---</u> |
| <u>Affordable Housing</u> | <u>At least 15% of the units in a project meet the definition of an Affordable Housing Dwelling Unit.</u> | <u>60 feet</u> | <u>45 feet</u> | <u>30 feet</u> |
| <u>Green Roof</u> | <u>Provide a green roof in accordance with City of Durham Public Works standards, equivalent to at least 50% of the building footprint area.</u> | <u>15 feet</u> | <u>15 feet</u> | <u>---</u> |
| <u>Stormwater Capture and Reuse</u> | <u>Provide cistern(s) to collect stormwater from onsite rooftop impervious surfaces with a minimum volume to accommodate the first one inch of rainfall. To receive this credit the runoff must be captured and used on site for the purposes of flushing toilets or irrigation.</u> | <u>15 feet</u> | <u>15 feet</u> | <u>---</u> |
| <u>Materials and Articulation</u> | <u>Facade projections of at least 3 feet or recesses of at least 5 feet in depth covering at least 40% of the podium facade on all sides, and a minimum of 30% of each building facade the use of metal, brick, terracotta, stone, or other masonry materials.</u> | <u>30 feet</u> | <u>30 feet</u> | <u>---</u> |
| <u>Public Parking</u> | <ol style="list-style-type: none"> <u>1. Provide parking within the development dedicated for public use. The public parking provided shall not count towards maximum parking allowed for the project.</u> <ol style="list-style-type: none"> <u>a. The public parking shall be in structured parking.</u> <u>b. The amount of parking shall be at least 50 spaces, or an amount equal to at least 20% of the minimum amount of parking required for the development, whichever is greater.</u> <u>2. At least three of the public parking spaces shall be electric vehicle charging spaces.</u> <u>3. Public parking spaces shall be accessible 24hours/day and under control of the city through an operational agreement with the City. The city can, at its discretion, limit the hours of accessibility.</u> | <u>30 feet</u> | <u>30 feet</u> | <u>---</u> |

2. CD District

- a. Unless otherwise specified, the following standards shall apply to all Frontage and Building types.**

| Building Height and Massing | | | | | | |
|------------------------------------|--------------------------------------|--------------------------------|--------------------------------------|---|--|---|
| <u>CD Sub-Districts</u> | <u>Height Articulation (Massing)</u> | | | <u>Maximum Building Height without Provisions</u> | <u>Maximum Building Height with Provisions</u> | <u>Optional Corner Tower Elements:</u> <u>Additional Height Above Proposed Podium Height</u> |
| | <u>Minimum/Maximum Podium Height</u> | | <u>Minimum Upper Story Step-Back</u> | | | |
| <u>Core (-C)</u> | <u>30 feet min</u> | <u>75 feet max¹</u> | <u>10 feet</u> | <u>90 feet</u> | <u>145 feet</u> | <u>30 feet</u> |
| <u>Support 1 (-S1)</u> | <u>30 feet min</u> | <u>50 feet max</u> | <u>10 feet</u> | <u>60 feet</u> | <u>90 feet</u> | <u>15 feet</u> |
| <u>Support 2 (-S2)</u> | <u>20 feet min</u> | <u>45 feet max</u> | <u>10 feet</u> | <u>35 feet² / 45 feet</u> | <u>60 feet, as applicable</u> | <u>15 feet</u> |
| <u>Pedestrian Business (-P(N))</u> | <u>20 feet min</u> | <u>35 feet max</u> | <u>10 feet</u> | <u>40 feet / 55 feet³</u> | <u>---</u> | <u>---</u> |

¹ See paragraph (1) for additional height allowance.

² See paragraph (2), below, for height allowance.

³ Height restrictions are located in paragraph 16.3.3C.2.c, Pedestrian Business Sub-District (Ninth Street) (CD-P(N)) Height.

(1) For Core, if the adjacent right-of-way is at least 90 feet wide, then the maximum podium height shall be 90 feet.

(2) In the S2 sub-district, the maximum building height shall be 35 feet when within 75 feet of non-design district zoning. Measurement shall be made from the zoning line. Right-of-way shall be excluded from the 75-foot measurement.



(3) The Monumental Building Type shall be exempt from height articulation requirements.

(4) Incidental and Accessory Structure Building Types shall be exempt from the requirements in paragraph a, above.

(5) Balconies and bay windows that extend out from the building are not required to meet step-back requirements.

b. Corner Tower Elements

When provided, all corner tower elements on a single building shall have a combined maximum width and depth of 20% of the building frontage or 30 feet, whichever is less.

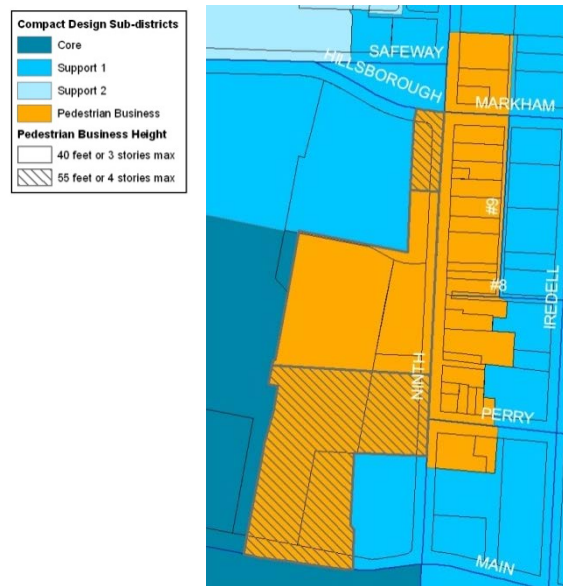
c. Pedestrian Business Sub-District (Ninth Street) (CD-P(N)) Height

For properties within the CD-P(N) the following height restrictions shall apply:

(1) East side of Ninth Street: Building height shall not exceed 40 feet and shall not exceed three stories.

(2) West side of Ninth Street:

(a) Along the western Ninth Street frontage, building height shall not exceed 55 feet and shall not exceed four stories in the area extending 230 feet in from the north and south sub-district boundaries in accordance with the figure below.



(b) If not governed by paragraph (a) above, building height shall not exceed 40 feet in height and shall not exceed three stories.

d. Maximum Height with Provisions

The Maximum Building Height with Provisions as allowed in the table in paragraph 16.3.3C.2.a, above, can be obtained only in the Core, S1, and S2 sub-districts with a provision as indicated below.

(1) A provision cannot qualify for additional height if it is a requirement elsewhere in this Ordinance or in any other code or regulation.

(2) The Affordable Housing Provision can apply to additional height and additional density pursuant to 16.1.3D.2.d, Additional Density.

(3) The additional height shall be applied to the overall building height, and not to the maximum podium height. The required upper-story step back shall also apply.

(4) Eligible Provisions

The following shall be the eligible provisions that qualify for additional height.

| <u>Project Provisions</u> | <u>Standards</u> | <u>Additional Height Allowance</u> | | |
|--|---|------------------------------------|----------------|----------------|
| | | <u>Core</u> | <u>S1</u> | <u>S2</u> |
| <u>Affordable Housing</u> | <u>The project implements Sec. 6.6, Affordable Housing Bonus.</u> | <u>45 feet</u> | <u>30 feet</u> | <u>15 feet</u> |
| <u>Historic Preservation</u> | <u>Undertake or incorporate the adaptive reuse of an existing historic structure, including local landmarks, National Register properties, or contributing buildings in a historic district. The renovation can add onto the structure but shall not demolish any historically significant portion of the structure.</u> | <u>45 feet</u> | <u>30 feet</u> | <u>---</u> |
| <u>Materials and Articulation</u> | <u>Facade projections of at least 3 feet or recesses of at least 5 feet in depth covering at least 40% of the podium facade, and a minimum of 30% of each building façade the use of brick, terracotta, or stone materials.</u> | <u>30 feet</u> | <u>30 feet</u> | <u>---</u> |
| <u>Public Parking</u> | <u>1. Provide parking within the development dedicated for public use. The public parking provided shall not count towards maximum parking allowed for the project.</u> <u>c. The public parking shall be in structured parking.</u> <u>d. The amount of parking shall be at least 50 spaces, or an amount equal to at least 20% of the minimum amount of parking required for the development, whichever is greater.</u> <u>2. At least three of the public parking spaces shall be electric vehicle charging spaces.</u> <u>3. Public parking spaces shall be accessible 24hours/day and under control of the city through an operational agreement with the City. The city can, at its discretion, limit the hours of accessibility.</u> | <u>30 feet</u> | <u>15 feet</u> | <u>---</u> |

16.3.4 Building Access**A. General Access Requirement**

Each street frontage facade or pedestrian mall facade shall have at least one entrance with direct access to the street or pedestrian mall.

B. Primary or Main Entrance

1. A primary entrance shall be on a street frontage facade and shall:
 - a. Be within 30 vertical inches of the street grade;

- b. Face the street unless otherwise allowed; and
- c. Have direct access to the street.
- 2. Primary entrances shall be:**
 - a. Clearly defined and articulated by decorative surrounds, thresholds, pediments, distinctive lighting, lintels, sidelights, canopies, or other distinctive architectural elements which frame and identify the entrance; and
 - b. Larger in scale than secondary entrances.
- 3. Entries from parking areas shall be secondary in nature and articulation.**

C. Exemptions

Exemptions from paragraph B, Primary or Main Entrances, above, are as follows:

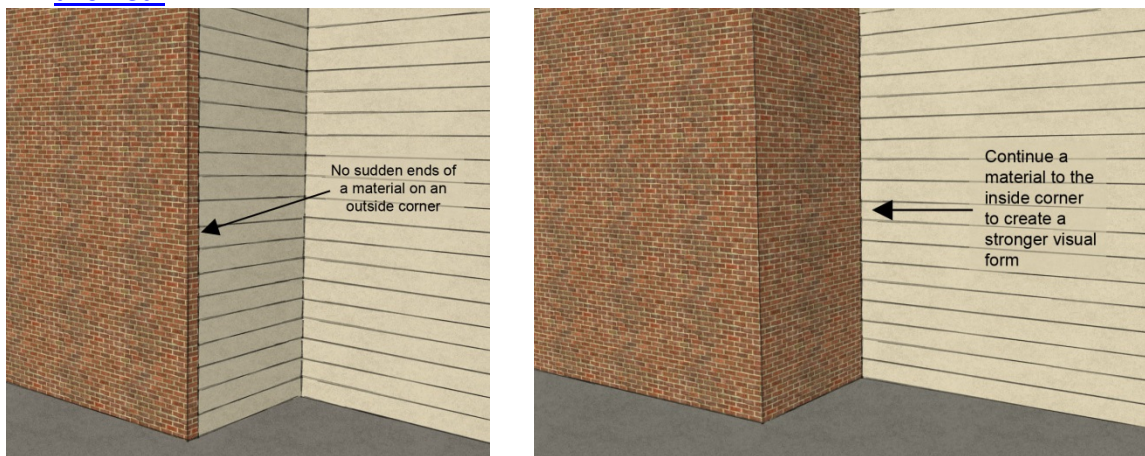
- 1. Entrances to the Courtyard and Forecourt Frontage Types, per paragraph 16.3.1G, Courtyard Frontage Type, and paragraph 16.3.1H, Forecourt Frontage Type.
- 2. Existing entrances designed and used as the primary entrance for the building, as long as access to the street is maintained.

16.3.5 General Facade Requirements

Facades of buildings shall be designed as follows. Portions of building facades used as retaining walls shall also be subject to these standards.

A. Variation of Exterior Materials

- 1. Changes in exterior building materials shall only occur as defined lines, edges, or a minimum three-inch change of plane.
- 2. When vertical changes in exterior building materials occur at a corner, they shall only occur at inside corners of the building facade.
- 3. Incidental changes in material, such as but not limited to quoins or keystones, are allowed.



B. Building Length

In CD-P and CD-S2, the maximum building length along each street frontage shall be 400 feet. Otherwise, the maximum length shall be 500 feet. The measurement of building length shall exclude courtyards compliant with dimensional standards of the Courtyard Frontage Type.

C. Podium Vertical Articulation (Divisions)

- 1. Vertical divisions shall be articulated for the entire height of the podium.

2. Building podiums shall have multiple vertical divisions articulated using at least one of the following methods:

(a) A change in building materials, textures, or material coloring (paint color shall not qualify); or

(b) A change of plane of at least six inches.

3. For buildings in the CD-P(N) sub-district, the rhythm established by typical widths of the traditional commercial structures on the east side of Ninth Street between Perry Street and West Markham Avenue shall be maintained.

D. Podium Horizontal Articulation Standards (Layers)

1. Extent of Articulation

a. For buildings with a podium of fewer than four stories, the building base shall be less than 50% of the podium height.

b. For buildings with a podium of four or more stories, the building base shall extend through the top of the first or second story.

2. Visual Distinction

a. The building base shall appear visually distinct from the upper stories of the building podium, through the use of the following:

(1) A change in building material type, scale, or finish; and

(2) A change in window style.

b. The top of the podium shall be articulated with discernible cornice lines, parapets and/or fasciae that create three-dimensional relief or reveal.

c. The building base may vary in height as long as it complies with paragraph 1, above.

d. A maximum of 30% of a facade width can contain a visually distinct and uniform design extending from the base through the upper levels of the podium.

E. Corner Facades

1. Buildings with multiple street frontages shall be designed with all street-facing facades having similar architectural expression and articulation.

2. Any corner tower element shall wrap both sides of the corner and be articulated as a distinct vertical element. This element shall not appear merely as a coplanar extension of the main facade.

16.3.6 Glazing Requirements

A. Minimum Glazing

1. Facades requiring a frontage type shall provide glazed window or door openings at the following minimum percentages:

| <u>Level Category</u> | <u>Glazing Required</u> | <u>Glazing for Portion with 4% Slope or Greater¹</u> |
|---|-----------------------------|---|
| <u>At Ground Floor</u> | | |
| <u>Storefront and Arcade Frontage Type</u> | <u>65%</u> | <u>50%</u> |
| <u>Forecourt Frontage Type</u> | <u>50%</u> | <u>50%</u> |
| <u>Monumental Building Type</u> | <u>30%</u> | <u>25%</u> |
| <u>Courtyard Frontage Type</u> | <u>30%</u> | <u>30%</u> |
| <u>Podium Levels above Ground Floor</u> | <u>25%</u> | <u>25%</u> |
| <u>All Levels Above the Podium</u> | <u>20%</u> | <u>20%</u> |
| <u>Exceptions to the Above Criteria:</u> | | |
| <u>Overnight Accommodations at Ground Floor²</u> | <u>30%</u> | <u>25%</u> |
| <u>Residential at Ground Floor</u> | <u>30%</u> | <u>25%</u> |
| <u>Structured Parking</u> | <u>See paragraph 16.3.2</u> | |

¹Slope is measured parallel to the street.

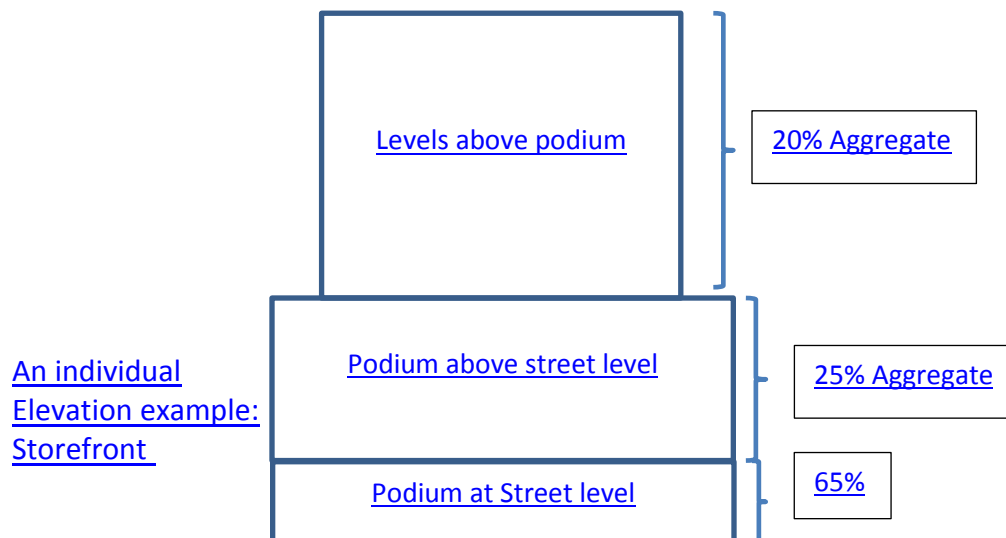
²This percentage shall apply only to the facades for the guest rooms at the ground floor. Facades for lobbies, restaurants, meeting rooms, or other accessory areas shall utilize the applicable standard.

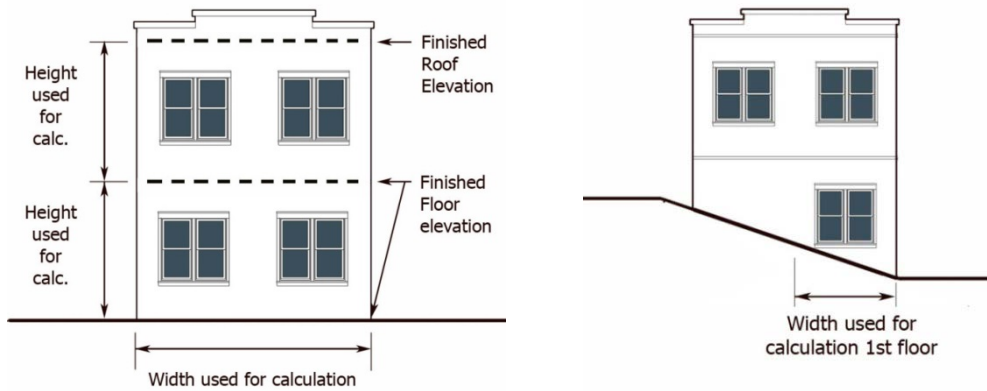
2. Calculation Method

- a.** Each level category shall be calculated independently per facade, and each building elevation shall comply with each glazing requirement unless exempted or other requirement is indicated.

Example: *A building utilizing the storefront frontage type shall demonstrate the glazing at the ground floor is at least 65% of the facade of that level, podium levels above street shall have a glazing of 25% of the aggregate of those levels, and 20% glazing of the aggregate of all levels above the podium.*

- b.** Calculations shall be made from the finished floor elevation to finished floor elevation or finished roof surface, as applicable.





3. Exemptions and Exclusions

- a. Courtyards with facades completely internal to the site and not applicable to the standards for the Courtyard Frontage Type are exempt from minimum glazing requirements.**
- b. The area of any exterior air intake louvers or vents used for mechanical equipment or HVAC systems can be subtracted from the total wall area when calculating glazing requirements.**
- c. Parapets, foundation walls, and at- or below-grade retaining walls, where there is no habitable space behind the walls, shall be excluded from glazing calculations.**

B. Window Design Standards

All glazing used to meet requirements shall comply with the following standards to ensure visual interest:

- 1. Ground floor glazing shall have transparent glass. Mirrored and frosted glass shall not be used.**
- 2. Ground floor glazing shall be maintained free of internal obstructions or partitions to a minimum depth of three feet.**
- 3. Ground floor glazing shall not be obscured by materials applied to the inside of the glass including, but not limited to: paper, and paint. Signs allowed pursuant to Article 11, Sign Standards, are exempt from this requirement. Windows can be covered only when there is an active building permit.**
- 4. Windows within the podium shall not contain grills interior to the glass.**
- 5. Bars or other obstructions shall not be mounted onto windows.**
- 6. In the CD-P(N) sub-district, upper floor windows greater than 10 square feet in area shall be divided by a minimum of one muntin, mullion, or sash.**

16.4 Streetscape, Right-of-Way, and Block/Lot Standards

16.4.1 Applicability

- A. Unless otherwise indicated, the following improvements shall be provided within the right-of-way along all public and private streets, and within pedestrian malls.
- B. Article 12, Infrastructure and Public Improvements, and Article 13, Additional Requirements for Subdivisions, shall apply except as modified within this Section.

C. Exemptions

The following projects shall be exempt from providing sidewalk or streetscape amenities:

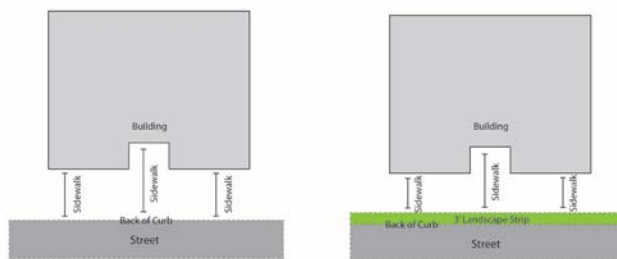
1. Projects that only require architectural review;
2. Improvements that consist only of unmanned facilities of less than 1,000 square feet, such as storage rooms, mechanical equipment, or coolers;
3. Improvements that consist only of four or fewer additional motor vehicle parking spaces;
4. Improvements that consist only of less than 1,000 square feet of building area; or
5. Improvements are documented to solely bring existing facilities up to current health, safety, or building code requirements.

16.4.2 Streetscape

A. Sidewalk Standards

1. Sidewalk shall be provided as follows. When both methods are shown as allowed, either method can be used.

| | <u>Sidewalk from building face to back-of-curb</u> | <u>Sidewalk from building face to three-foot Landscape Strip</u> |
|--------------|--|--|
| <u>DD-C</u> | <u>✓</u> | <u>---</u> |
| <u>-S1</u> | <u>✓</u> | <u>---</u> |
| <u>-S2</u> | <u>✓</u> | <u>✓</u> |
| <u>CD-C</u> | <u>✓</u> | <u>---</u> |
| <u>-S1</u> | <u>✓</u> | <u>---</u> |
| <u>-S2</u> | <u>✓</u> | <u>✓</u> |
| <u>-P(N)</u> | <u>✓</u> | <u>---</u> |



2. For the Monumental Building Type, the sidewalk shall be a minimum of 12 feet wide, and a landscape strip with a minimum width of three feet can be provided against the back-of curb.

3. For additions or modifications to existing structures on sites with existing sidewalk, sidewalk along all frontages shall be widened to at least 12 feet, unless:
 - a. Exempt per paragraph 16.4.1C, Exemptions;
 - b. A wider sidewalk would require the removal of a specimen tree; or
 - c. Existing conditions prohibit the widening of the sidewalk.
4. Existing sidewalk width shall not be reduced.
5. For projects that propose removal of the existing structures for construction of new structures, current standards shall apply.
6. Street trees are allowed in the sidewalk area, but shall not conflict with the required clear zone. Pit openings shall not encroach into the required clear zone unless a suspended sidewalk system is utilized.
7. Parking areas, loading zones, bus and valet pull-offs, and other similar features shall not utilize, or encroach into, the required sidewalk area.
8. All sidewalk area, whether within public right-of-way or on private property with an easement, shall meet ADA accessibility standards.
9. Payment-in-lieu shall not be an option to comply with sidewalk requirements.

B. Sidewalk Clear Zone

1. Within the required sidewalk, a continuous, unobstructed area, or “clear zone,” of five feet shall be maintained at all points along the sidewalk. Pedestrian Malls shall maintain clear zones per paragraph 16.4.3C, Pedestrian Mall Standards.
2. The clear zone shall parallel the predominant building face, with a maximum variation of 15 degrees. A greater degree of variation is allowed only to the minimum extent necessary to accommodate existing obstructions or other obstructions required for utilities, street trees, or other streetscape amenities.

3. Bus Stops

Bus stop clear zones shall be established pursuant to the requirements of the applicable transit agency. No landscape strip shall be required through the clear zone.

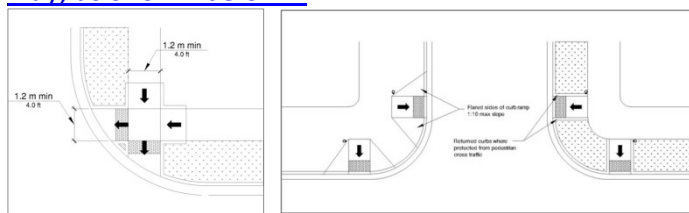
C. Accessibility

1. Sidewalk Accessibility Ramps

Directional sidewalk accessibility ramps shall be provided at street intersections to direct users across crosswalks rather than diagonally into intersections.

(a) Non-directional ramps shall be permitted.

(b) Pedestrian Rights-of-Way Accessibility Guidelines (PROWAG) shall be utilized to comply with this standard, except that ramps shall be perpendicular to the right-of-way, as shown below*.



*Diagrams are per PROWAG Chapter R3, Technical Requirements. Specifications shown are illustrative. All construction shall be to the specifications of the City Public Works Department.

(c) Alternative methods found in PROWAG are allowed only if existing conditions prevent the use of ramps described in paragraph b, above.

2. Driveway Aprons/Curb-Cuts

(a) Driveway aprons shall be provided so that sidewalks remain continuous and level for the width of the clear zone.

(b) Obsolete/unused driveway aprons and curb-cuts shall be removed.

D. Required Streetscape Amenities

1. Amenities shall be provided within the streetscape as indicated in the table below and shall be calculated by rounding to the nearest linear foot or receptacle. These standards shall apply whether the amenity is required or provided beyond minimum requirements.

| <u>Sub-District</u> | <u>Required Amenity Standards</u> | | | | |
|------------------------------------|--|---|---|---|---|
| | <u>Seating</u> | <u>Solid Waste Receptacles (trash and recycling bin pair)</u> | <u>Decorative Street Lights</u> | <u>Street Trees</u> | <u>Bus Shelters</u> |
| <u>Core (-C)</u> | <u>One linear foot per 15 linear feet of street frontage</u> | <u>One per 200 linear feet of street frontage</u> | <u>When existing street lights are replaced or new street lights are installed, they shall meet the specifications in paragraph 16.4.2F, Construction Specifications.</u> | <u>Pursuant to Sec. 16.4.2E, Street Trees. See planting guidelines and details in the Landscape Manual.</u> | <u>Required for development projects consisting of at least 80,000 square feet of building, adjacent to existing or proposed bus stops. Construction specifications shall be in accordance to the applicable mass transit entity.</u> |
| <u>Support 1 (-S1)</u> | <u>One linear foot per 20 linear feet of street frontage</u> | <u>One per 250 linear feet of street frontage</u> | | | |
| <u>Support 2 (-S2)</u> | <u>One linear foot per 25 linear feet of street frontage</u> | <u>One per 300 linear feet of street frontage</u> | | | |
| <u>Pedestrian Business (-P(N))</u> | <u>One linear foot per 15 linear feet of street frontage</u> | <u>One per 250 linear feet of street frontage</u> | | | |

2. Existing streetscape amenities along the street frontage of the development can count towards required amenities so long as they meet all dimensional requirements.
3. Seating shall be 18 to 30 inches high and a minimum of 15 inches deep. Seating that accommodates users on both sides shall be at least 30 inches deep.
4. Ledges and walls can count as seating provided that they meet the dimensional requirements of this section.
5. Streetscape amenities shall be distributed along the full length of the street frontage rather than in one location.
6. Required streetscape amenities shall be provided within the right-of-way or on private property within five feet of the property line, provided that they are publicly accessible.
- Commentary:** Sight distance triangles required within this Ordinance must be maintained.
7. For projects with multiple street frontages, each street frontage shall have a discrete calculation and requirement.

8. Setbacks

Along streets with on-street parking, streetscape furnishings shall be located a minimum of 24 inches from the back of curb.

E. Street Trees

1. Landscaping and installation standards within Article 9, Landscaping and buffering, shall apply unless otherwise modified below.

2. Standards

a. Number of Trees

One tree for every 40 feet of street frontage along existing and proposed rights-of-way (not including alleys), private street easements, and pedestrian malls.

b. Maximum Separation

Trees shall maintain a maximum separation of 100 feet, measured between the centerline of each trunk. If existing obstructions, access points, or sight distance triangles prevent compliance with the maximum separation requirement, the separation can exceed the maximum only to the extent necessary to avoid the obstruction, access point, or sight distance triangle.

c. Location

(1) Street trees shall be located in the right-of-way or street easement. The Public Works Director in consultation with the City Transportation Director or City Urban Forestry Division, as applicable, or NCDOT, as appropriate, may require an alternate location.

(2) Trees shall be placed along the curb side of the sidewalk. Along streets with on-street parking, street trees shall be setback at least 24 inches from the back of curb, measured from the centerline of the trunk.

(3) Unless utilizing a suspended sidewalk system, street tree pit openings shall not encroach into required sidewalk or Pedestrian Mall clear zones.

d. Suspended Sidewalk System

A suspended sidewalk system shall be required in the Core and S1 sub-districts.

3. Alternative Street Tree Requirement

Commentary: Street trees provide core functions within the urban environment. Street trees provide shade, aesthetics, and help distinguish the pedestrian way from travel lanes. The alternatives are intended to provide at least two of these functions when such alternatives are allowed. Encroachment agreements with the City or NCDOT, as applicable, may be required.

a. Applicability

(1) If an existing easement prohibits the placement of street trees in the prescribed location per paragraph E2, above, an alternative can be provided in lieu of the street tree requirement.

(2) Where development incorporates existing buildings and the distance from the back-of-curb to the building face is less than 10 feet, an alternative can be provided in lieu of the street tree requirement.

(3) Street tree alternatives shall not be used for pedestrian malls.

b. Alternatives

Street tree alternatives specified below shall be used, individually or in combination, and shall comply with the associated standards.

(1) Spacing and location requirements shall be consistent with those required for street trees.

(2) Maintenance of alternatives shall be the responsibility of the property owner(s) of the development site.

(3) Table of Alternatives

| <u>Alternative</u> | <u>Standards</u> |
|--|--|
| <u>Public Art</u> | <p><u>Shall provide a minimum of 100 square feet of public art along the street frontage for each required street tree. Additionally:</u></p> <ol style="list-style-type: none"> <u>1. Public art shall be permanent and include a maintenance agreement.</u> <u>2. All-weather materials shall be used.</u> <u>3. Public art shall not include advertisements, but can include a placard indicating the name of the artwork, the name of the artist, and information about the artwork.</u> <u>4. Public artwork shall require a recommendation of approval from the Public Art Committee of the Cultural Advisory Board.</u> |
| <u>Landscape Planters</u> | <p><u>Shall provide a minimum of two landscape planters with a planting area of at least five square feet each in-lieu of each required street tree. Additionally:</u></p> <ol style="list-style-type: none"> <u>1. Planters must be continually planted and maintained.</u> <u>2. Planters shall be above-ground constructed of durable all-weather material such as fiberglass, metal, stone, or a cementitious material.</u> |
| <u>Vegetative screen and awning or canopy</u> | <ol style="list-style-type: none"> <u>1. The vegetative screen shall be a minimum of 100 square feet along the street frontage in-lieu of each required street tree. Additionally:</u> <ol style="list-style-type: none"> <u>a. The screen shall be composed of landscape material with a minimum of 50% evergreen.</u> <u>b. The screen shall be at least 10 feet high.</u> <u>2. The awning/canopy shall be a minimum of 10 linear feet along the street frontage in-lieu of each required street tree and shall be a minimum of 5 feet in depth. The awning shall be kept in good repair.</u> |

F. Construction Specifications**1. Sidewalks (DD only)**

a. Sidewalks shall be constructed of natural concrete with red brick pavers installed along the back-of-curb in a double row stacked sailor course. Corners can be a solid field or herring bone brick pattern with a single sailor border.

b. Where a landscape strip is provided, the pavers shall be provided between the concrete sidewalk and landscape strip.

2. Suspended Sidewalks

When a suspended sidewalk system is utilized, concrete or brick pavers shall be used, and break-away collars to expand the pit opening as the tree grows shall be used.

3. Benches

Benches shall be DuMor Bench 92 or Dumor Bench 58, or equal in design and performance, in black finish.

4. Trash/Recycling Receptacles

a. Trash receptacles shall be 32-gallon DuMor Receptacle 102 with bonnet or equal in design and performance in black finish.

b. Recycling receptacles shall be the same as used for trash except a recycling lid (DuMor RC lid/cover in blue, or equal in design and performance) shall be provided.

5. Street lights and Mast Arms**a. Downtown Design District**

(1) Street lights shall be Memphis teardrop luminaire on the davit-arm, mounted on the North Yorkshire pole all by Holophane or equal, shall be utilized. The City of Durham's installation specifications shall be utilized.

(2) Mast arms shall consist of a smooth signal arm mounted on a 16-fluted pole with the Huntington base by Valmont or equal. The Memphis teardrop luminaire on the Atlanta cross-arm, both by Holophane or equal, shall be used atop the mast arm's pole. The mast arm specification, including pole and luminaire height and arm length, should be confirmed through the City of Durham's Transportation Department.

b. Compact Design District

Street lights and mast arms shall use a metal product approved by the City Transportation Department or NCDOT, as applicable.

16.4.3 Streets and Other Rights-of-Way**A. Streets****1. General**

a. Cul-de-sacs shall not be permitted.

b. Public and private streets, including alleys, shall not be gated or otherwise restrict access.

c. New streets and alleys shall be dedicated as public right-of-way.

2. New Streets

This section provides standards for new streets within Design Districts, and includes a set of street typologies allowed within Design Districts.

a. The requirements of this section apply whenever a new street is proposed for construction.

b. Sidewalk, street tree, and other streetscape amenity requirements found elsewhere in this article shall apply in addition to following street standards.

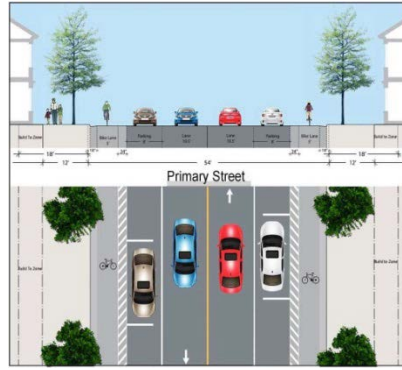
c. Construction specifications for street typologies within this section, including intersection specifications, shall be reviewed by the City Transportation Department, City Public Works Department, or NCDOT, as applicable; and approved through the City Public Works Department or NCDOT, as applicable.

d. Curb and gutter shall be measured to back-of-curb pursuant to the specifications of the City Public Works Department.

e. Street types.

(1) Primary Street Type

A two-lane street with on-street parking and bicycle lanes. This street type shall be used as the predominant street type throughout the district. The Primary Street Type shall be designed as follows:



| <u>Component</u> | <u>Required Width</u> |
|-------------------------------|---|
| <u>Travel lane</u> | <u>10.5 feet</u> |
| <u>Parking lane</u> | <u>8 feet</u> |
| <u>Bicycle lane</u> | <u>5 feet (excluding gutter and buffer)</u> |
| <u>Bicycle/parking buffer</u> | <u>2 feet</u> |
| <u>Curb/gutter section</u> | <u>18 inches</u> |

(2) Alternate Street Types

(a) Four-lane Street Type

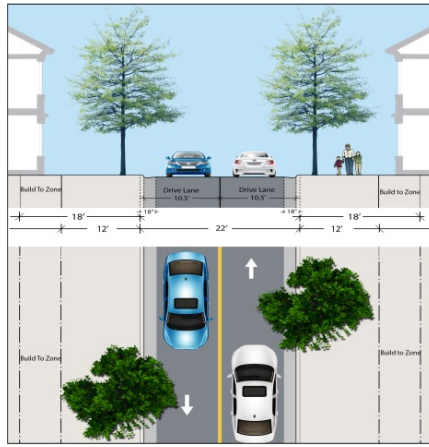
A four-lane street with a median/turn lane. The Four-Lane Street Type shall be used for streets designated as a major thoroughfare or boulevard in the adopted Comprehensive Transportation Plan, as amended. This street type shall be designed as follows:



| <u>Component</u> | <u>Required Width</u> |
|-----------------------------------|---|
| <u>Travel lane</u> | <u>10.5 feet</u> |
| <u>Median</u> | <u>16 feet with taper for turn lanes</u> |
| <u>Parking lane</u> | <u>None</u> |
| <u>Bicycle lane</u> | <u>5 feet (excluding gutter and buffer)</u> |
| <u>Bicycle/travel lane buffer</u> | <u>2 feet</u> |
| <u>Curb/gutter section</u> | <u>18 inches</u> |

(b) Two-Lane Street Type:

A two-lane street with limited parking or bike lanes. The Two-Lane Street Type shall be used as a secondary street in the S2 sub-districts.



| <u>Component</u> | <u>Required Width</u> |
|-------------------------------|---|
| <u>Travel lane</u> | <u>10.5 feet</u> |
| <u>Parking lane</u> | <u>None; or 8 feet on one side</u> |
| <u>Bicycle lane</u> | <u>None. Shared-lane markings shall be provided</u> |
| <u>Bicycle/parking buffer</u> | <u>None</u> |
| <u>Curb/gutter section</u> | <u>18 inches</u> |

(3) Bicycle Lane and Buffers

Bicycle lanes and buffers shall be designed as follows to City or NCDOT construction specifications, as applicable.

- (a) Buffers shall consist of a raised median or delineated with striping and vertical bollards.
- (b) Bicycle lanes shall run behind transit stops.
- (c) Bicycle lanes shall be painted green at areas of conflict, such as intersections, bicycle boxes, driveways, and transit stops.

f. Intersections

- (1) Bicycle lanes shall be carried through an intersection.
- (2) If a right-hand turning lane is needed, the movements of automobiles and bicyclists shall be separated through:
 - (a) Signalization; or
 - (b) A lateral shift to move cyclists to the left of the vehicle right turn lane before vehicles can turn right.
- (2) If no right-turn lane is added, the bicycle facility shall bend in, with the shift occurring at minimum 40' before the intersection and ending at minimum 20' before the intersection.
- (3) At intersections with multiple turning options:
 - (a) For Primary Street Type: a minimum 10' bicycle box shall be installed, at minimum 4' from the pedestrian crosswalk and/or stop bar. A NO TURN ON RED sign (MUTCD R10-11) shall be installed. Alternatively, a two-stage turn queue box can be installed in the intersection between the travel lane and bicycle lane.
 - (b) For Four-lane Street Type: a two-stage turn queue box shall be installed in the intersection on the side of the bicycle facility away from through traffic.

g. Medians

- (1) Landscaping shall be provided for the length of the median except when tapering to accommodate turn lanes. Landscaping shall at a minimum consist of

groundcover, tree, and shrub species pursuant to the *Durham Landscape Manual* for vehicular use areas.

(2) At intersections, a pedestrian/cyclist refuge area shall be provided.

h. Alternative Forms of Compliance

Alternatives to the street design requirements of this section can be approved with a minor special use permit pursuant to Sec. 3.9, Special Use Permit. In addition to the general required findings, the Board of Adjustment shall also find that the alternative design meets or exceeds the multimodal performance and functionality of the street design standards of this section.

3. Existing Streets

Existing streets may remain serving existing development in their current configuration; however, they shall not be extended except in conformance with this Article.

4. Street Names

A street name can be established for a driveway allowed for access for a pedestrian mall under paragraph 16.4.3C, Pedestrian Mall Standards. Establishing a name shall not result in circumventing development requirements for private streets, sidewalks, street trees, or other items.

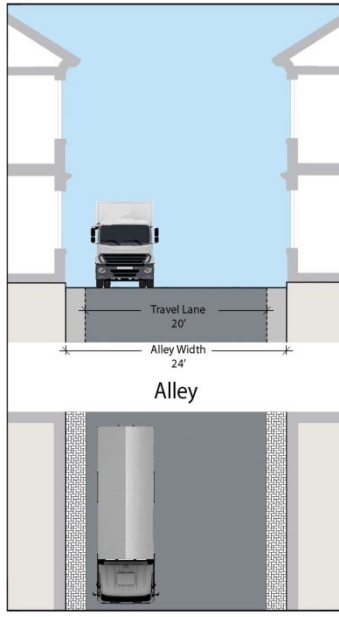
5. Street Connectivity Requirements

- a. Connectivity shall be defined as the continuation of the traditional grid pattern established by the existing road network and creation of new blocks according to paragraph 16.4.4, Block Standards.
- b. Rights-of-way shall intersect at right angles, unless otherwise allowed pursuant to design standards maintained by the City Transportation Director, or NCDOT, as applicable.
- c. Any new right-of-way shall continue or connect the existing street grid, unless
 - (1) The connection is prohibited by NCDOT; or
 - (2) The connection would require extension through land permanently protected from development, such as a conservation easement, that precludes development; or
 - (3) The connection would require the crossing of an environmentally sensitive area such as a 100-year floodplain, stream buffer, regulated wetlands, or steep slopes.
- d. An existing right-of-way shall not be permanently closed without providing an alternate form of public access that accomplishes the same or similar connectivity.

B. Alleys

The following standards shall apply to new alleys. Additional standards within this Article applicable to alleys shall apply to new and existing alleys.

- 1. Alleys shall be paved and proposed only for access to service areas and/or to access no more than 20 parking spaces.
- 2. Alleys are not required to have a curb or sidewalk.
- 3. Area outside of travel lanes, but within the easement or right-of-way, shall be differentiated with a different paving material or design.
- 4. Alley design shall not result in a dead end or be designed to prevent emergency vehicular movement.



| <u>Component</u> | <u>Required Width</u> |
|-------------------------------|-----------------------|
| <u>Travel lane</u> | <u>20 feet</u> |
| <u>Total Extent of Alley</u> | <u>24 feet</u> |
| <u>Parking lane</u> | <u>None</u> |
| <u>Bicycle lane</u> | <u>None</u> |
| <u>Bicycle/parking buffer</u> | <u>None</u> |
| <u>Curb/gutter section</u> | <u>None</u> |

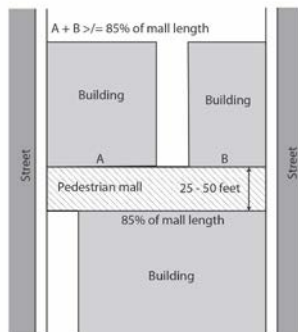
C. Pedestrian Mall Standards

1. Width

The minimum width of the pedestrian mall shall be 25 feet and the maximum shall be 50 feet.

2. Enclosure

At least 85% of the length of each side of the mall shall consist of building podium.



3. Frontage and Building Types Applicability

Pedestrian malls shall be considered “street frontage” for the application of building and frontage types. However, a build-to zone shall not apply.

4. Clear Zones

A clear zone shall be provided along the length of the pedestrian mall. The clear zone shall be:

- a. At least 10 feet wide;
- b. Free of obstructions; and
- c. Be hardscaped and handicap accessible.

5. Streetscape Amenities

The requirements for streetscape amenities shall apply, pursuant to paragraph 16.4.2, Streetscape.

- a. Amenities shall be distributed throughout the length of the pedestrian mall.
- b. The centerline of the mall shall be used to calculate the minimum amount of each required amenity.

6. Landscaping

A maximum of 50% of the pedestrian mall can be landscaped, consisting of trees, shrubs, and groundcover. The remaining area shall be hardscaped with ADA compliant material.

7. Connectivity

Pedestrian malls shall extend through a development site, beginning and terminating at a public or private street.

Commentary- A plaza at the intersection of two streets is not a pedestrian mall. The pedestrian mall is meant to act as a linear way to visually subdivide property and provide pedestrian connectivity through a development area and/or block.

8. Access

- a. Pedestrian malls shall not be blocked, gated, or barred in such a manner to prevent 24-hour public access.
- b. A public easement for the entire area of any pedestrian mall shall be granted in perpetuity to the City of Durham.

Commentary- An easement does not necessarily absolve the property owner of maintenance of the mall.

9. Street Names

Street names can be established for pedestrian malls pursuant to paragraph 12.3.2, Street Names. Establishments that open onto the pedestrian mall can have addresses on it when a minimum clear zone of 20 feet in width and 13.5 feet in height is provided to accommodate emergency vehicles.

D. Over-Street Connectors

A major special use permit under Sec 3.9, Special Use Permit, shall be required for all over-street connections, including but not limited to aerial pedestrian bridges and enclosed building areas. In addition to the requirements of Sec 3.9, Special Use Permit, the applicant shall demonstrate that the project's relationship to the street and street level objectives and activities have been adequately addressed, and the City Council shall approve the permit only if it finds that:

- 1. The project will not create negative effects on the surrounding properties; and
- 2. The project will be aesthetically harmonious with or complementary to the surrounding buildings and streetscape, and will not have a substantial negative impact on downtown views.

E. Temporary Pedestrian Paths and Bus Stops

- 1. Any existing pedestrian right-of-way that will be inaccessible for more than seven days shall require approval of a pedestrian traffic control plan as per MUTCD standards. Prior to the path becoming inaccessible, the pedestrian traffic control plan shall be submitted to and approved by the Transportation Director or designee, and NCDOT, as applicable, through the Construction Drawing approval process. Pedestrian traffic control plans

shall include new or temporary pedestrian circulation routes and pedestrian protection measures, as appropriate.

2. Any existing bus stop that will be inaccessible for more than seven days, or any existing bus shelter that will be inaccessible for more than thirty days, shall require approval of an alternate bus stop and/or bus shelter location and accessible path to the bus stop and/or bus shelter, as applicable. Prior to the bus stop and/or bus shelter becoming inaccessible, the alternative shall be submitted to and approved by the Transportation Director or designee, NCDOT, and GoTriangle, as applicable, through the Construction Drawing approval process.

16.4.4 Block Standards

A. Subdivision of property greater than two contiguous acres in size within Design Districts shall meet the following block standards:

1. Each block shall be a minimum of one acre and a maximum of 3.5 acres in size.
2. A block that is greater than 3.5 acres but less than 5 acres in size shall be allowed if a pedestrian mall or an alley is provided to create de facto blocks that meet the size requirements of this section.

B. A block face length greater than 600 feet shall require a connection through the block via an alley or pedestrian mall.

C. Lot Standards

1. No minimum lot width shall apply, unless otherwise specified within the applicable frontage or building type standards.
2. Except for townhouse lots, every lot shall abut a public street or pedestrian mall.

3. Townhouse Lots

Townhouse lots can abut along a public street or alley, pedestrian mall, or common access drive serving the townhouse units.

Sec. ~~16~~17.3 Defined Terms

Alley: A strip of land, ~~typically no more than 20 feet in width~~, either publicly or privately owned, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Articulation: An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; or modulation of building facades, massing, and detail to create variety.

Bicycle Parking, short-term: Bicycle parking that is publicly and readily accessible, and visible, with the intention to be used for short periods of time.

Bicycle Parking, long-term: Bicycle parking that is not required to be publicly accessible, but provided for the use of residents, employees, and visitors to a site for long periods of time during a day or overnight.

~~Building Base:~~ ~~The portion of the building and building facade at the ground level and any exposed foundation wall, including retaining walls, visible at grade.~~ The lower level(s) of the building podium specifically designed and articulated as the base or plinth of the building.

~~Building Bay:~~ ~~Vertical divisions of the exterior facade, as marked by architectural features such as: columns, pilasters, groups of windows, or other architectural elements.~~

Build-to Zone: In Design Districts, the area parallel to the street where a street-facing facade or forecourt is required to be located.

Forecourt: The area between the streetscape and the facade of a building, as prescribed for the Forecourt Frontage Type.

~~Design District:~~ ~~Any zoning district or overlay district within which architectural design elements are required.~~

Frontage, Street: The dimension of a property that is adjacent to a street.

Ground Floor: Also referred to as “ground level” or “street level”, the floor of a building whose finished floor elevation (FFE) is closest to the grade of the adjacent street, allowing for articulation to accommodate changes in grade.

Glazing: The portion of the building facade or external materials which are composed of glass or similar material. Glazing ~~is used in transparency~~ calculations ~~and~~ includes the glass used in the doors and windows of the building.

Monumental Building Type: In Design Districts, a structure with large setbacks from the sidewalk which become publicly accessible open area. The structure is utilized for a specific set of uses that primarily serve for public or private gathering or assembly.

Pedestrian Passage: A site feature of Design Districts where a passageway for pedestrian movement is provided through the development site.

Podium: The initial ~~portion level(s)~~ of a building, beginning at ground level, ~~specifically designed and articulated as the base or plinth of the building~~, above which the building steps back to greater height. Building podiums can vary from ~~less than~~ one story to several stories in height.

Podium Height: ~~The initial height that a building can reach at the build-to line before upper story setbacks are required in a design district.~~

Primary or Main Entrance: An ingress/egress of a building designed to accommodate a predominant amount of foot traffic for the building.

Public Parking: Parking spaces or areas controlled by, or under contract with, a governmental entity to allow for general public use of the parking spaces and not dedicated to a specific user.

Service Area: In Design Districts, the service area is a designation for portions of buildings or sites that are used for loading areas including garage entries; trash/recycling facilities; secondary fire code egress; and mechanical equipment or utilities that are not permitted by code to be underground or on rooftops.

Street Wall: The implicit line created by the facades of adjacent structures.

Streetscape: ~~The area between build-to lines of opposing properties intended for pedestrian and vehicular use, which may include public right-of-way and private property.~~ The appearance or view of an entire street or street network in general, including sidewalks, utilities, landscaping, street furniture, and the structures that make up the street wall.

Upper Story Step-backs: The ~~articulation of upper story height~~ stories above the maximum podium ~~by where recessing the~~ building facades ~~are set back from podium facades back from the build-to-line~~ to allow light and air access to street level.

Vegetative Screen: A three-dimensional structure that provides vegetative facades, either freestanding or mounted to a wall.

Sec. 2.4 Board of Adjustment (BOA)

[Paragraphs not listed remain unchanged]

2.4.5 Powers and Duties**A. Authority**

1. The Board of Adjustment shall be responsible for final action regarding the following:
 - a. Applications for variances; ~~and~~
 - b. Applications for ~~design and~~ minor special use permits; ~~and~~
 - c. Appeals of decisions made by administrative officials interpreting the provisions of this Ordinance.

Sec. 3.2 Common Review Procedures

[Paragraphs and portions of tables not listed remain unchanged]

3.2.2 Pre-Application Conference

- B. A mandatory pre-application conference with the Planning Director or designee shall be required for the following development reviews:

4. ~~Design, minor, Minor~~ or major special use permit;

3.2.5 Notice and Public Hearings**A. Summary of Notice Required**

1. Notice shall be required for applications for development approval as shown in the table below.

| Procedure | Published | Mailed | Posted |
|---|-----------|--------|--------|
| Design or Minor Special Use Permit | ✓ | ✓ | ✓ |

E. Required Hearing

1. A legislative public hearing or a quasi-judicial hearing shall be required for development review as shown in the table below.

| Applications for Approval | Historic Preservation Commission | Board of Adjustment | Planning Commission | Governing Body |
|--|----------------------------------|---------------------|---------------------|----------------|
| Minor and Design Special Use Permit | | ✓ ¹ | | |

Sec. 3.9 Special Use Permit

[Paragraphs not listed remain unchanged]

3.9.1 Applicability

~~C. A design special use permit shall be required for development projects with corresponding site plans and architectural reviews where alternative forms of compliance are sought under Sec. 6.12, Design Districts. Design special use permits require approval by the Board of Adjustment, except pursuant to paragraph 3.9.1F, below.~~

~~DC.~~ A major special use permit shall be required for all major special uses as set forth in the use table in Sec. 5.1, Use Table; for spray irrigation in a conservation subdivision pursuant to paragraph 6.2.4, Conservation Subdivision; and as specified elsewhere in this Ordinance. Major special use permits require approval by the appropriate governing body.

~~ED.~~ A transportation special use permit shall be required for development projects with corresponding site plans and preliminary plats pursuant to paragraph 3.9.10, Transportation

Special Use Permit. Transportation special use permits require approval by the appropriate governing body.

- FE.** Projects that require not only a major and/or transportation special use permit, but also a minor ~~and/or design~~ special use permit may have the use permits consolidated into a single hearing before the appropriate governing body so long as all required findings for each special use permit are made. Separate orders for each special use permit shall be issued.

3.9.6 Approval of a Minor ~~or Design~~ Special Use Permit

- A.** Prior to scheduling the public hearing on the minor ~~or design~~ special use permit, the corresponding site plan or architectural review application, as applicable, shall be ready for action by the approving authority.
- D.** Conditions may be incorporated as part of the approval of the special use permit to assure that adequate mitigation measures are associated with the use or design. The conditions shall become a part of the minor ~~or design~~ special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

~~3.9.9 Criteria for Approval of Design Special Use Permits~~

~~Applications for a design special use permit shall be approved only if the approving authority finds that the alternative design as proposed, or the design as proposed with conditions, shall yield an equal or better performance as compared to standard Ordinance requirements based upon the following design factors, as applicable:~~

- ~~**A.** Street level activity is generated with pedestrian oriented design on all street frontages;~~
- ~~**B.** The design complements the surrounding context;~~
- ~~**C.** The design relates to the human scale in site and building design;~~
- ~~**D.** The design incorporates sustainable design strategies that equal or exceed current requirements;~~
- ~~**E.** The design protects and emphasizes important views of notable buildings and sites; and~~
- ~~**F.** Access and circulation systems allow a wide range of efficient multi-modal movement options.~~

3.9.10-9 Transportation Special Use Permit [Text remains unchanged]

3.9.11-10 Coordination with Variances [Text remains unchanged]

3.9.12-11 Coordination with Zoning Map Change Applications [Text remains unchanged]

3.9.13-12 Resubmittals [Text remains unchanged]

3.9.14-13 Amendments [Text remains unchanged]

3.9.15-14 Expiration [Text remains unchanged]

3.9.16-15 Appeal [Text remains unchanged]

Sec. 4.1 General

[Paragraphs and portions of tables not listed remain unchanged]

4.1.1 Establishment of Districts

- A. The following zoning districts are hereby established, and are intended to implement the Comprehensive Plan. Each district is only appropriate in development tiers where it effectively implements the plan, as set forth below.

| | | Development Tier | | | | | |
|-------------------------|---|------------------|----------|-------|----------------------|----------|-------------------------|
| Symbol | District | Rural | Suburban | Urban | Compact Neighborhood | Downtown | |
| Design Districts | | | | | | | Former Districts |
| CD-P(N) | Compact Design – Pedestrian Business Sub-district (Ninth Street) | | | | ✓ | | --NEW-- |

Sec. 4.5 Design District Intent Statements

[Paragraphs not listed remain unchanged]

Development guidelines for all design districts may be found in [Sec. 6.12, Design Districts](#) [Article 16, Design Districts](#).

4.5.1 Downtown Design (DD)

The Downtown Design (DD) District is established to encourage bicycling, pedestrian, and transit-oriented development ~~pedestrian activity~~ through regulations appropriate to the downtown area. It focuses on the form of the private and public realm instead of on use and intensity. Regulated through sub-districts, The standards encourage a vital downtown economy that enhances Durham's position as a commercial, cultural and entertainment hub of the region while increasing livability. The DD district is intended to work in tandem with the Downtown Tier of the Durham Comprehensive Plan, Downtown Durham Master Plan and updates. ~~Downtown Design District Core, Support 1, and Support 2 are the only districts allowed in the Downtown Tier.~~ Therefore the Downtown Tier boundary and the Downtown District boundary are the same.

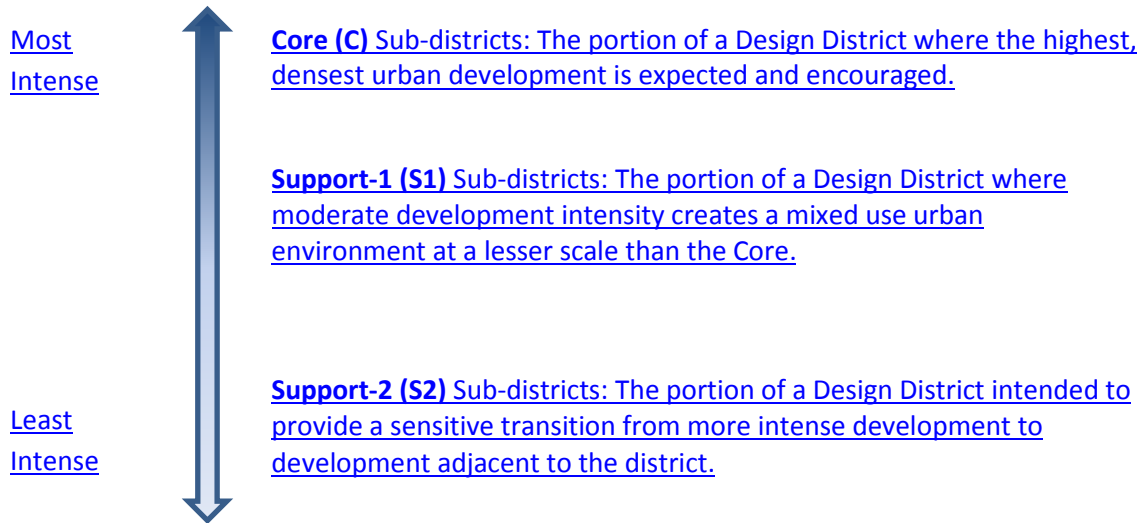
4.5.2 Compact Design (CD)

The Compact Design (CD) District is intended to encourage development of appropriate urban intensity, streetscape and form and through bicycling, pedestrian, and transit-oriented activity development around light rail stations through various sub-districts similar to the Downtown Design District. Compact Design Districts are located within areas designated as "Design District" within Compact Neighborhood Tiers of the Durham Comprehensive Plan, by focusing on the form of development and how it shapes the streetscape. ~~The CD District includes the dense core surrounding the future transit station area as well as adjacent areas that provide a transition from the dense core to less intense, surrounding areas.~~

4.5.3 Sub-Districts

Sub-districts of Design Districts are individual zoning districts that reflect and promote different levels of development intensity reflective of the policies established within the *Comprehensive Plan*. Primary sub-districts are Core, Support-1, and Support-2. Additional special sub-districts are established to reflect unique development requirements for areas designated for Design District regulations.

A. Primary Sub-Districts



B. Special Sub-Districts

1. Pedestrian Business Sub-District (Ninth Street)

The Pedestrian Business sub-district (Ninth Street) (CD-P(N)), which is located in the Compact Design District that incorporates a portion of Ninth Street, is created to protect the character existing along the east side of Ninth Street within the district and to ensure that any new development on the west side of Ninth Street within the district is in keeping with that character.

Sec. 4.10 Historic Districts Overlay (-H)

[Paragraphs not listed remain unchanged]

4.10.5 Downtown Historic District Overlay

C. Build-to Line

Development in the Historic District Overlay shall conform to established build-to lines. The build-to line requirement shall be:

1. If buildings exist adjacent to the property on either side, the build-to line shall be at or between the two established street facade locations;
2. If an adjacent building exists on only one side of the property, the build-to line shall be within two feet of the existing street facade location; or
3. If no adjacent buildings exist, the corresponding DD sub-district build-to line-zone shall apply.
4. On corner lots, the standards of this section shall apply for each street facade.

D. Building Step-Backs

Building step-backs shall meet the preservation plan requirements through the issuance of a COA and shall be exempt from the height articulation requirements of [6.12.3D.2 paragraph 16.3.4C.1, DD District](#).

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.4 Commercial Use Standards

Q. Outdoor Recreation

5. In the DD District the following standards shall apply:

d. Design Standards

- (1) Chain link fencing is prohibited except when the outdoor recreation use is on the roof of a structure ~~and-or~~ the fencing is not visible from the adjacent right-of-way.

T. Self Service Storage

Self service storage shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The facility shall be screened from view from adjacent properties pursuant to Sec. 9.7, Screening, except in the DD District.
2. In the DD District, [storage units shall not be visible off-site and](#) access to individual storage units shall be from corridors internal to the building.
3. [In the DD District, the ground floor shall be a use or uses other than, and not associated with, self service storage. Those uses shall be as allowed in Sec. 5.1, Use Table. The following are exceptions:](#)
 - a. [A maximum of 400 square feet of office associated with the self service storage use can be located on the ground floor.](#)
 - b. [Access to the self service storage facility is allowed. However, loading access/areas shall not be located along street frontages.](#)

Sec. 6.1 District Intensity in General

[Paragraphs not listed remain unchanged]

6.1.1 Purpose

The district development standards of this Ordinance establish lot sizes and certain restrictions for all residential and nonresidential development. These standards allow for variety in housing and building types while striving to maintain the overall character of neighborhoods and commercial areas of Durham. Development standards established in this Ordinance are based on Durham's ~~five~~ planning tiers as established in the *Comprehensive Plan*. Standards in this section are specific to each district and are above and beyond the general standards for all districts enumerated in Article 7, Design Standards, through Article 13, Additional Requirements for Subdivisions. Separate standards are established to regulate residential and nonresidential development in each tier and for certain nonresidential districts. This approach to district and tier development standards implements the Comprehensive Plan and has several public benefits:

- A. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.

- B. It promotes quality site layout and energy-efficient development.
- C. It promotes affordable and life-cycle housing.
- D. It promotes development intensities that match existing and proposed infrastructure investments.
- E. It promotes infill development that is consistent in character and scale with established neighborhoods.
- F. It promotes compact land development that supports alternate transportation, such as bicycling, walking, mass transit.
- G. It promotes market-based development decisions while protecting shared public interests.

6.1.2 Flexible Development Tools by Plan Tier

The district intensity standards set forth in this Article provide for flexible development tools in each planning tier, as shown below: [For the Downtown Tier and certain Compact Neighborhood Tiers, refer to Article 16, Design Districts.](#)

| Development Tool | Rural | Suburban | Urban | Compact Neighborhood | Downtown |
|---|-------|----------|-------|----------------------|---------------------|
| Conservation Subdivision | ✓ | ✓ | | | |
| Variable Housing Types | | ✓ | ✓ | ✓ | |
| Major Roadway Density Bonus | | ✓ | ✓ | | |
| Affordable Housing Bonus | | ✓ | ✓ | ✓ | |
| Lot Averaging | | ✓ | ✓ | ✓ | |
| Cluster Subdivision | | ✓ | ✓ | | |
| Variable Frontage and Building Types | | | | ✓ | ✓ |
| Vertical Integration of Uses | | | | ✓ | ✓ |

Sec. 6.6 Affordable Housing Bonus

[Paragraphs not listed remain unchanged]

6.6.2 Bonus Program

B. Height

2. Within the Compact Design District, additional height shall be allowed in accordance with paragraph [6.12.4A.2, Building Height and Massing](#) [16.3.4C.2, CD District](#).

~~Sec. 6.12 Design Districts~~

[The entire section shall be deleted]

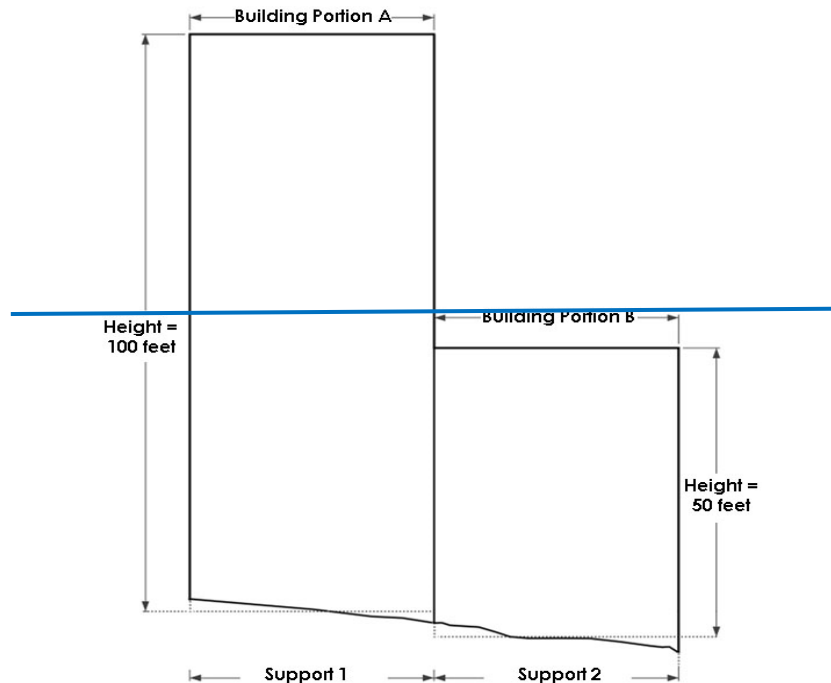
Sec. ~~6.13~~ [12](#) Measurement and Computation

[Paragraphs not listed remain unchanged]

~~6.13~~ [12.1](#) Height

- A. Height shall be calculated by the vertical distance from the average of the finished ground level to the finished roof surface of a flat roof or the point at the average height of a roof having a pitch; except for mansard roofs, which shall be measured to the highest finished surface. For buildings with more than one facade along the street, each building facade shall be measured independently. Height for any building with multiple roof levels shall be determined by the highest roof level.

1. The average finished ground level shall be calculated by averaging the spot elevations for all building corners on a single structure. Multiple, unattached structures on the same site shall have independently-calculated average grade for the purposes of measuring the height of each individual structure.
2. Except in Design Districts, height for any building with multiple roof levels shall be determined by the highest roof level.
3. In Design Districts for buildings where multiple height standards apply, ~~each portion of the building is allowed to build to the allowable height in the sub-district where that portion of the building is located. Height will be computed independently for each portion of the building in each sub-district.~~ see Sec. 16.3, Building Design.



- B. The height limitations shall not apply to steeples, decorative features including parapet walls less than four feet tall, air conditioning units, utility poles, mechanical features, penthouses for mechanical equipment or stairways, belfries, lightning rods, antennas other than those regulated in Article 5, Use Regulations, water towers, clock towers, or any other tower which is not used for transmitting and receiving electronic signals or is not a corner tower element regulated within Sec. ~~6.12, Design Districts~~ 16.3, Building Design.

~~6.13~~ 6.12.2 Width

~~6.13~~ 6.12.3 Required Yards

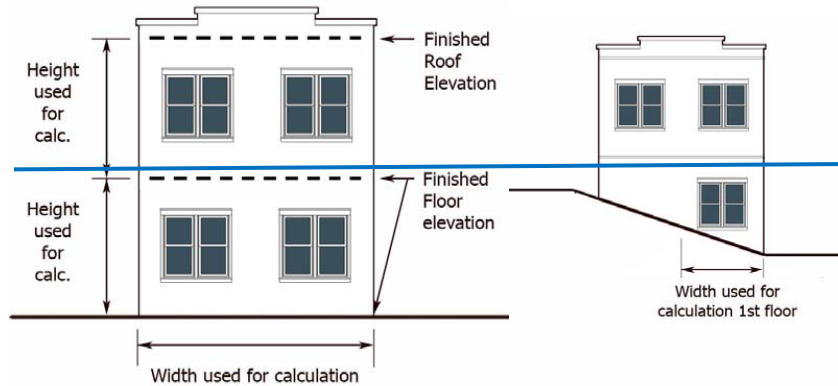
B. Encroachments into Required Yards

11. In Design ~~districts~~ Districts, ~~balconies and bay windows that extend out from the building are not required to meet step-back or build-to-line requirements~~ refer to Sec. 16.2 and Sec. 16.3 for balconies and bay windows.

~~6.13~~ 6.12.4 Density

~~6.13.5~~ Fenestration

- ~~A. The percentage of building facade glazing shall be calculated from the finished floor elevation to the next finished floor elevation or finished roof surface.~~
- ~~B. Parapets, foundation walls, and at or below grade retaining walls, where there is no habitable space behind the walls, shall be excluded from glazing calculations.~~



Sec. 7.1 Housing Types

[Paragraphs not listed remain unchanged]

7.1.1 ~~In~~ General

A. Applicability in Design and Planned Districts

- Housing types do not apply to the Design Districts, where all uses, including residential, shall comply with ~~paragraph 6.12.2D, Frontage and Building Types~~ Article 16, Design Districts.

Sec. 7.2 Open Space

[Paragraphs not listed remain unchanged]

7.2.2 Required Open Space

- D. For Design Districts, all open space requirements shall be pursuant to Article 16, Design Districts, unless otherwise indicated. If conflicts arise between Article 16, Design Districts, and this section, the more stringent regulation shall apply.

7.2.4 Open Space Calculation

B. Minimum Dimension

- Within the Compact Neighborhood Tier other than Design Districts, a horizontal dimension of at least ten feet shall be the minimum required to be considered open space.

Sec. 7.4 Outdoor Lighting

[Paragraphs not listed remain unchanged]

7.4.3 Standards

- A. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area.

| Type of Lighting | LIGHT LEVEL (in foot-candles) | |
|--|----------------------------------|-------------------------|
| | Minimum At Any Point | Maximum At Any Point |
| Open Air Pedestrian Passages and Malls (Sec. 6.12 Article 16) | 0.5 1.0 | 15.0 |

Sec. 7.6 Utility and Solid Waste Collection Facilities

[Paragraphs not listed remain unchanged]

7.6.4 Additional Requirements for Solid Waste Collection Facilities

F. ~~Additional Requirements for Design Districts~~ Design Districts

For Design Districts, additional requirements shall apply pursuant to Sec. 16.2, Site Design.

- ~~1. All new development, not including parking structures, of 100,000 square feet or greater shall provide trash compactors on site.~~
- ~~2. Where shared solid waste collection facilities exist on sites to be redeveloped, the redevelopment shall continue to accommodate sufficient shared facilities.~~
- ~~3. A site can be designed to allow solid waste collection vehicles to back a maximum of 40 feet into sites given the following criteria:~~
 - ~~a. Pickup only occurs during off-peak hours, as determined by the Transportation Director or designee; and~~
 - ~~b. The street is not a State-maintained road.~~
- ~~4. A dedicated area for the separation, collection, and storage of recyclables shall be provided.~~

Sec. 7.8 General Performance Standards

[Paragraphs not listed remain unchanged]

7.8.8 Building Code and Accessibility

All activity shall comply with any applicable State or federal building code and accessibility regulations, as determined by the City-County Inspections Department.

Sec. 8.5 Riparian Buffer Protection Standards

[Paragraphs not listed remain unchanged]

8.5.4 Riparian Buffers Protected

B. Buffers Protected

1. General Riparian Buffers

| Tier | Watershed Protection Overlay | | | | | | | | | | | | | |
|-----------------------------------|------------------------------|----|--------|----|--------|----|-----|----|-----|----|-------|----|-------|------|
| | None | | M/LR-A | | M/LR-B | | E-A | | E-B | | F/J-A | | F/J-B | |
| Downtown and Compact Neighborhood | | | | | | | | | | | | | | |
| Stream Type | P | I | P | I | P | I | P | I | P | I | P | I | P | I |
| Width | 50 | 50 | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA100 | NA50 |

¹ Stream buffer minimum of 100 feet if a high density option is utilized per paragraph 8.7.2B.1

Sec. 9.4 Project Boundary Buffers

[Paragraphs not listed remain unchanged]

9.4.1 Applicability

A. Rural, Suburban, and Urban Tiers

Project boundary buffers shall be required in the Rural, Suburban, and Urban Tiers, considering the proposed use and zoning district and the adjoining uses and zoning districts.

B. Compact Neighborhood Tier – Zoning Other than Design District

No project boundary buffers shall be required for property in the Compact Neighborhood Tier, unless the proposed project is adjacent to residential development or property with a residential designation in the Suburban or Urban Tiers, in which case, project boundary buffers shall be required only on the side of the project adjacent to such property in the other Tier.

C. Design Districts

1. No project boundary buffers shall be required for property in Design Districts, unless the proposed project is adjacent to a residential district or use in the Urban or Suburban Tier, or outside of Durham's jurisdiction.

2. Where required, project boundary buffers in Design Districts shall be provided at 20% opacity when adjacent to property within the Urban Tier and 40% opacity when adjacent to property within the Suburban Tier or outside of Durham's jurisdiction, in accordance with paragraph 9.4.5C, Urban and Compact Neighborhood Tiers.

3. When required, project boundary buffers shall be required only on the side of the project adjacent to such property in the other Tier or jurisdiction.

34. No buffers shall be required along rights-of-way in Design Districts regardless of their width.

D. Commercial Crop Production

No project boundary buffers shall be required for commercial crop production, except for permanent on-site sales facilities and associated vehicle use areas.

E. Adjacent to Design Districts

No project boundary buffers shall be required in a residential district or use adjacent to a Design District.

9.4.5 Constructed Buffer

C. Urban, Compact Neighborhood, and Downtown Tiers

3. For projects within the CI District and Design Districts, an alternative to project boundary buffers shall be permitted with the following provisions:

- a. A solid hedge composed of a minimum of 40 evergreen understory trees per 100 linear feet is used in lieu of the buffer, with a minimum height of six feet at time of planting; or
- b. A wall pursuant to paragraph 9.4.8, Walls, Berms and Fences in Buffers, is provided so long as any wall that is a structural part of a building may only be used if there is no glazing in the wall.

9.4.8 Walls, Berms and Fences in Buffers

Where walls, berms or fences are built within any required project boundary buffer, they shall meet the following requirements.

A. Walls

7. Walls used within Design Districts in lieu of a required buffer width shall be permitted, with the following provisions:
- a. The wall shall have a minimum height of six feet;
 - b. A minimum of one upright, evergreen shrub shall be installed per four linear feet along the side of the wall facing off-site; and
 - ~~bc.~~ The wall is not within sight distance triangle(s).

Sec. 9.6 Street Trees

[Paragraphs not listed remain unchanged]

9.6.2 Required Street Trees**C. Street Trees in the SRP-C District (County Only), CI District, and Design Districts**

Street trees shall be provided pursuant to Sec. 16.4, Streetscape Standards.

- ~~1. Street trees shall be required at a rate of one tree for every 40 feet of street frontage along existing and proposed rights-of-way (not including alleys) and private street easements.~~
- ~~2. Street trees shall be located in the right-of-way or street easement unless the Public Works Director in consultation with the City Transportation Director or City Urban Forestry Division, as applicable, or NCDOT, as appropriate, requires an alternate location or requires the use of a Street Tree Alternative pursuant to paragraph 9.6.2D.3, below.~~
- ~~3. **Alternative Street Tree Requirement**~~
 - ~~a. If the prescribed street tree location is in conflict with any public utility or traffic control device, an alternative can be provided in lieu of the street tree requirement.~~
 - ~~b. Where development incorporates existing buildings and the distance from the back-of-curb to the building face is less than 10 feet, an alternative can be provided in lieu of the street tree requirement.~~
 - ~~c. Street tree alternatives, when provided, shall comply with the standards in the table below:~~

| Alternative | Standards | CI | Design Districts | SRP-C (County Only) |
|----------------------|--|----|------------------|---------------------|
| Public Art | Shall provide a minimum of 100-square feet of public art along the street frontage in lieu of each required street tree | — | ✓ | ✓ |
| Green Screen or Wall | Shall be a minimum of 100-square feet along the street frontage in lieu of each required street tree and shall be a minimum of 50% evergreen. | — | ✓ | ✓ |
| Awnings | Shall be a minimum of 10-linear feet along the street frontage in lieu of each required street tree and shall be a minimum of 5 feet in depth and kept in good repair. | ✓ | ✓ | ✓ |

| | | | | |
|--------------------|---|---|---|---|
| Landscape Planters | Shall provide a minimum of 2 landscape planters with a planting area of 5 square feet or greater in lieu of each required street tree. Planters must be continually planted and maintained. | ✓ | ✓ | ✓ |
|--------------------|---|---|---|---|

9.6.4 Street Tree Installation

~~G. In the Core sub-district of Design Districts, a suspended sidewalk system over street tree planting pits shall be utilized to maximize useable sidewalk area.~~

HG. (County Only) In the SRP-C District, a suspended sidewalk system over street tree planting pits can be utilized to maximize useable sidewalk area.

Sec. 9.7 Screening

[Paragraphs not listed remain unchanged]

9.7.2 Standards

D. Screen Walls or Fence Visible Off-Site

One upright shrub of an evergreen species shall be installed per four linear feet of any screen wall or fence that is visible off-site. This shall not apply to screening around roof-top equipment, if option 6 is used per paragraph 9.7.2A, ~~or~~ for sites within the CI District, or sites within the Core and Support-1 Design Districts sub-districts.

Sec. 9.8 Vehicular Use Area Landscaping

[Paragraphs not listed remain unchanged]

9.8.1 General

B. Applicability

- Only the regulations in paragraph 9.8.4, Vehicular Use Area Landscaping in the SRP-C (County Only), CI District and Design Districts, shall apply to vehicular use areas in the SRP-C (County Only), CI, and Design Districts. ~~(County Only) These standards shall also apply to the SRP-C District in lieu of paragraph C, Standards, below.~~

9.8.4 Vehicular Use Area Landscaping in the SRP-C District (County Only), CI District and Design Districts

A. Applicability

- This section applies to any vehicular use area located in the SRP-C District (County Only), CI District and Design Districts that is not located within a parking structure, including parking lots where no building permit is required.
- ~~For parking structures the architectural standards set forth in paragraph 6.12.2D.6, Parking Structure Frontage Type, shall apply. No vehicular use area landscaping shall be required. In Design Districts, loading areas shall be exempt from VUA requirements.~~

B. Standards

1. General

a. Vehicular Use Area Perimeter Landscaping

- (1) A landscaped area equal to six square feet for each linear foot of street frontage shall be provided adjacent to and outside of the right-of-way~~;~~
- (2) This-The area shall be provided along the entire street frontage, less driveways~~;~~ and

(3) The area shall have a minimum depth of three feet and a maximum depth of 10 feet.

Sec. 9.9 Fences and Walls

[Paragraphs not listed remain unchanged]

9.9.5 Design District Additional Standards

- A. Fences and walls shall incorporate materials, elements, or details of the architecture found on-site. If no structures are found on-site, fences shall be a decorative metal in a picket style with black finish.

Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

B. Required Parking

8. Methods to Exceed Maximum Parking

The maximum amount of motor vehicle parking can be exceeded by any of the following methods:

- a. The additional parking spaces and drive aisles shall be pervious paving pursuant to the definition of pervious paving in Sec. ~~1617~~.3, Definitions Defined Terms.
- d. For all sites except in ~~the Downtown Tier and~~ Design Districts: a sealed alternative parking rate analysis, prepared by an engineer with expertise in transportation, that utilizes the following criteria to substantiate the need for additional parking. The City Transportation Director or designee, or NCDOT, as applicable, shall be the approving authority for the analysis.
 - (1) Data or studies of similar sites and uses;
 - (2) Comparisons to minimum standards in national published data sources such as Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), American Planning Association (APA), or other professionally recognized data sources; and
 - (3) Comparisons to minimum requirements of similar municipalities.

e. Design Districts

- (1) No more than 100% of the parking rate pursuant to paragraph 10.3.1A.4 shall be allowed, unless provided within structured parking.
- (2) Public parking provided as a provision for additional height in per paragraph 16.3.4, Height, can be provided in excess of the maximum parking.

10.3.3 Bicycle Parking in the SRP-C District (County Only), Downtown and Compact Neighborhood Tiers

- A. Uses within the SRP-C District (County Only), Downtown and Compact Neighborhood Tiers shall provide bicycle parking based on the category and square footage of each use, as applicable.

B. Minimum Parking Requirements

The minimum amount of bicycle parking shall be as follows:

| | <u>Minimum Total Required Parking</u> | <u>Minimum of Total Required Parking:</u> | |
|---|---|--|---|
| | | <u>“Short-Term” Spaces</u> | <u>“Long-Term” Spaces</u> |
| <u>Multi-family (except townhomes) of three or more dwelling units:</u> | <u>0.5 space per dwelling unit</u> | <u>Fewer than 50 dwelling units: None required</u> | <u>Fewer than 50 dwelling units: 75%</u> |
| | | <u>50 Dwelling units or more: 6 spaces or 5%, whichever is greater</u> | <u>50 Dwelling units or more: 75%</u> |
| <u>Retail/Restaurant</u> | <u>1 space per 1,000 square feet</u> | <u>75%</u> | <u>2 spaces</u> |
| <u>Office/light industrial (10,000 square feet or greater)</u> | <u>1 space per 2,500 square feet</u> | <u>4 spaces</u> | <u>75%</u> |
| <u>The following do not require minimum amounts of total required parking to be either short or long term parking</u> | | | |
| <u>Office/light industrial (less than 10,000 square feet)</u> | <u>---</u> | <u>---</u> | <u>1 space per 2500 square feet, or 2 spaces, whichever is greater</u> |
| <u>Commercial parking lot or structure</u> | <u>---</u> | <u>---</u> | <u>6 spaces, or 1 per 20 motor vehicle spaces, whichever is greater</u> |
| <u>Bus/Rail platform or station with public-accessible, completely enclosed structures</u> | <u>---</u> | <u>---</u> | <u>8 spaces</u> |
| <u>Bus/Rail platform or stop with shelter</u> | <u>---</u> | <u>---</u> | <u>4 spaces</u> |
| <u>All other non-residential</u> | <u>---</u> | <u>---</u> | <u>4 spaces, or as required for non-design districts, whichever is greater</u> |
| <u>Utilities</u> | <u>---</u> | <u>---</u> | <u>As required per non-design districts</u> |
| <u>Additions</u> | <u>---</u> | <u>---</u> | <u>2 spaces, or the requirement for the additional square feet, whichever greater</u> |
| <u>change of use only (no site work is proposed that</u> | <u>---</u> | <u>---</u> | <u>2 spaces, or none if bicycle parking facilities</u> |

| | | | |
|---|--|--|---|
| <u>requires a site plan, special use permit, or architectural review application approval from the Planning Department.</u> | | | <u>exist within 50 feet of the entrance</u> |
|---|--|--|---|

1. Minimum Total Required

This amount indicates the gross minimum number of bicycle parking spaces required.

2. Short-term parking

a. This amount, if required, shall be the minimum amount of the minimum total required parking that shall be dedicated to short-term parking.

b. Short-term parking shall be publicly accessible parking located outdoors at primary entrances of buildings or within parking structures.

3. Long-term parking

a. This amount, if required, shall be the minimum amount of the minimum total required parking that shall be dedicated to long-term parking.

b. Long-term parking is not required to be publicly accessible or located outdoors.

c. Long-term parking shall not be placed within individual dwelling units.

d. If placed outdoors, the parking facility shall be lit; covered to provide protection from rain and snow; and, if provided for residential uses, be located within a secured enclosure.

4. Remaining Required Parking

Remaining required parking not required to be short or long term parking can be provided as either type of parking at the discretion of the applicant.

Example: The minimum total required bicycle parking spaces for a 100-dwelling unit development is 50 spaces. Of the 50 spaces:

1. Six **short-term** spaces are required (because 5% of 50 is less than six); and
2. 38 **long-term** spaces are required (75% of 50 is 37.5 spaces, which requires rounding up to 38).
3. The remaining spaces can be short or long-term parking.

5. Small Projects

Projects that do not generate enough required bicycle parking to satisfy short and/or long term parking minimum requirements, as applicable, shall provide the minimum overall requirement as either type at the discretion of the applicant.

A. Restaurant and Retail Sales and Services

— Restaurant and retail sales and services use categories shall provide bicycle parking at a minimum rate of one bicycle parking space per 1,000 square feet of usable floor area.

B. All Other Nonresidential Uses

— A minimum of two bicycle parking spaces shall be required. For nonresidential uses of 10,000 square feet or more, bicycle parking shall be provided at a minimum rate of one bicycle parking space per 2,500 square feet of usable floor area.

C. Residential Uses

— For all residential development, bicycle parking shall be provided at a minimum rate of one bicycle parking space per dwelling unit.

Sec. 10.4 Design Standards

[Paragraphs not listed remain unchanged]

10.4.1 General

A. Location of Parking

3. Compact Neighborhood and Downtown Tiers

- a. In all districts within the Compact Neighborhood Tier and the Downtown Tier, surface parking shall be located adjacent to a street only if, in addition to landscaping materials required pursuant to Sec. 9.8, Vehicular Use Area Landscaping, a wall or decorative fence consistent with the requirements of Sec. 9.9, Fences and Walls, with a minimum height of 30 inches is provided, as applicable:
 - (1) ~~At~~ Located between the street and parking area within the build-to line zone established pursuant to ~~Sec. 6.12, Design Districts~~ Sec. 16.2, Site Design; or
 - (2) In a location no further from the right-of-way than the maximum street yard established pursuant to paragraph 6.10.1, Nonresidential Development Standards.
- b. When the required wall or fence is located within a sight distance triangle, the ~~minimum~~ height shall be 18-24 inches to reduce impediments to traffic visibility.

c. Additional Design District Standards

- (1) Surface parking shall not be located within 20 feet of the property line at the street corners.
- (2) Parking areas accessed by an alley shall be limited to 20 parking spaces.
- (3) To meet the required minimum percentage of the build-to zone occupied by the building podium, parking areas can be accessed by a tunnel through the building. When this option is utilized the design shall demonstrate that the width and height of the opening in the building is the minimum required to comply with any applicable standards.

D. Surfacing

1. ~~In the~~ Rural Tier [Text remains unchanged]
2. ~~In All~~ Other Tiers
 - a. ~~In the~~ Urban and Suburban Tiers [Text remains unchanged]
 - b. Compact Neighborhood and Downtown Tiers
~~In the Compact Neighborhood and Downtown Tiers, all~~ All vehicle use areas and driveways shall be paved in accordance with standards and specifications of the City Public Works Department.

10.4.4 Design Standards for Bicycle Parking

A. General Standards

Unless otherwise modified below, all bicycle parking shall meet the following standards.

7. Within Parking Structures

- a. When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless other accessible, covered bicycle parking is located elsewhere on the site.

- b. Parking areas shall be located on the ground level, thus not requiring the use of stairs, elevators, or ramps.

D. Indoor Parking

- ~~1. Except for bicycle parking within individual dwelling units, bicycle-Bicycle parking storage rooms or areas shall not require access via stairs.~~
- ~~2. Bicycle parking spaces proposed within individual dwelling units shall be allowed as follows:~~
 - ~~a. A floorplan for each type of unit shall be provided indicating the bicycle parking space.~~
 - ~~b. If a closet or storage room is enclosed, the access door shall swing out or slide completely clear of the opening.~~

Individual dwelling units shall not be used to meet bicycle parking requirements.

E. Standards for Design Districts

Bicycle parking shall comply with the requirements of paragraphs A through D, above, unless modified as follows:

1. Bicycle parking placed within the streetscape shall utilize U-racks.

12. Standards for Restaurant and Retail Sales and Service Uses

- a. Required bicycle parking spaces located outdoors shall be located within 50 feet of the primary building entrance and visible from the public right-of-way.
- b. In order to reduce streetscape clutter and provide greater visibility for bicycle parking areas, clustered facilities can be provided when located a maximum of 100 feet from the primary building entrance so long as they remain within the blockface.

23. Light Rail Platforms

Bicycle parking at light rail platforms shall be covered, lighted, and no more than 100 feet from the edge of the platform.

24. For all other uses, bicycle parking shall be located within 100 feet of the primary or secondary entrance to the building.

- ~~3. Required bicycle racks shall comply with the specifications found within the *Durham Design Manual*.~~

5. Bicycle racks can be placed within the right-of-way with approval from the City or State, as applicable, and where placement does not conflict with required clear zones.

6. In the DD District, outdoor bicycle racks in the streetscape shall be as follows:

- a. The rack shall be an inverted-U with a black powdercoat finish.
- b. The rack height shall be 36 inches.
- c. The rack width shall be 22 inches.

7. Shower and Locker Facilities

Shower and Locker facilities shall be provided for office/light industrial uses of 20,000 square feet or greater.

Sec. 10.6 Loading Areas

[Paragraphs not listed remain unchanged]

10.6.5 Off-Street Loading Requirements

H. In Design Districts, loading areas shall comply with service area requirements in Sec. 16.2, Site Design.

10.6.6 Landscaping and Screening Requirements

- A. Except in Design Districts, Landscaping landscaping in accordance with Section 9.8, Vehicular Use Area Landscaping, shall be provided for loading spaces and associated drive aisles.

Sec. 12.2 Ingress and Egress Requirements

[Paragraphs not listed remain unchanged]

12.2.4 External Access Required

- A. Except in the Downtown Tier, external External motor vehicle access to development shall be provided as indicated below. In determining the number of access points that shall be required, the cumulative impacts of prior developments on the roads shall be considered.

Sec. 12.4 Pedestrian and Bicycle Mobility

[Paragraphs not listed remain unchanged]

12.4.2 Sidewalk Requirement

- C. For all other development except as exempted pursuant to paragraph 12.4.2D, Exemptions, required sidewalk along the right-of-way frontage of the development site shall be provided, as applicable per paragraph 12.4.2A, through only one of the following two methods. The following methods shall not be used in combination.
1. Sidewalk located within the right-of-way and/or on-site.
 - a. Sidewalk located in right-of-way or on-site shall connect to external sidewalks that extend to the property of the subject development, including connectivity to crosswalks and end of pavement at all adjacent intersections.
 - b. If on-site sidewalks are provided, the sidewalk Sidewalk located on-site shall meet the following criteria:

Sec. 12.6 Railroad Corridors

[Paragraphs not listed remain unchanged]

12.6.1 This section shall not apply to light rail lines or corridors.

12.6.12 [Text remains unchanged]

12.6.23 [Text remains unchanged]

12.6.34 [Text remains unchanged]

Sec. 13.4 Block Standards

[Paragraphs not listed remain unchanged]

13.4.2 For Design District requirements see Article 16.4, Streetscape, Right-of-Way, and Block/Lot Standards. Subdivision of property greater than two contiguous acres in size within Design Districts shall meet the following block standards:

- A. Any two adjacent block sides shall not exceed a total of 800 feet in length;

- ~~B. Each block shall be a minimum of one acre and a maximum of 3.5 acres in size, except that a block that is greater than 3.5 acres but less than 5 acres in size shall be allowed if a pedestrian mall under paragraph 6.12.2E.1, Pedestrian Mall Standards, or a publicly accessible alley is provided in lieu of right of way to create de facto blocks that meet the size requirements of this section;~~
- ~~C. Any new right of way shall continue or connect the existing street grid, unless the resulting block sizes would not meet the standards of this section;~~
- ~~D. New right of way shall be a public street unless otherwise allowed by the approving authority;~~
- ~~E. An existing right of way shall not be closed without providing an alternate right of way that accomplishes the same or similar connectivity.~~

Sec. 13.5 Lot Standards

[Paragraphs not listed remain unchanged]

13.5.1 Access

- ~~A. Every buildable lot shall abut a public street, a private street, or a driveway allowed for access within a townhouse development or shopping center under paragraph 12.2.2B.2.b above, capable of providing access to a lot.~~

~~B. In the DD District, every buildable lot shall abut a public street or pedestrian mall.~~

13.5.3 Double Frontage

- ~~C. Nonresidential lots with double frontage shall have off-set access points to inhibit cut-through traffic, except in the DD District where alternate access points may be allowed as follows:~~
 - ~~— 1. Shall connect at least two public rights of way on opposite sides of the block;~~
 - ~~— 2. Shall be a minimum of 16 feet wide; and~~
 - ~~— 3. Shall be clearly visible to pedestrian and vehicular traffic.~~

Sec. 13.6 Street Connectivity Requirements

[Paragraphs not listed remain unchanged]

13.6.1 Connectivity Defined

B. Connectivity in Design Districts

For Design districts, see Sec. 16.4, Streetscape, Right-of-Way, and Block/Lot Standards.

- ~~1. Connectivity shall be defined as the continuation of the traditional grid pattern established by the existing road network and creation of new blocks according to paragraph 13.4.2, Block Standards.~~
- ~~2. Rights of way shall intersect at right angles, unless otherwise allowed pursuant to design standards maintained by the City Transportation Director, or NCDOT, as applicable.~~

Sec. 14.3 Nonconforming Lots

[Paragraphs not listed remain unchanged]

14.3.2 Single-Family Residential Lots

- ~~B. Side yard requirements for single-family residential development on nonconforming lots that do not meet lot width requirements shall be reduced as follows:~~

- ~~1. In the Suburban, Urban, Compact and Downtown Tiers, each side yard shall be at least 80% of the required side yard for the district in which the lot is located.~~
- ~~21.~~ In the Rural Tier, the sum of the width of the two side yards of a nonconforming lot of record shall be at least 25% of the lot width. The minimum single side yard of a nonconforming lot of record shall be 12% of the lot width. In addition to these requirements, the following minimums apply: if the nonconforming lot of record exceeds a width of 55 feet, then each side yard shall be a minimum of 8 feet wide. If the nonconforming lot of record is 55 feet wide or less, each side yard shall be a minimum of 6 feet wide.
2. In all other Tiers, as applicable, each side yard shall be at least 80% of the required side yard for the district in which the lot is located.

Sec. 14.4 Nonconforming Improvements and Structures

[Paragraphs not listed remain unchanged]

14.4.1 Nonconforming Buildings or Structures

- B. Additions or improvements to, or reconstruction of, nonconforming buildings and structures not located within Special Flood Hazard Areas or Future Conditions Flood Hazard Areas shall require approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit, unless exempted pursuant to paragraph 3, below.
 1. No enlargement or reconstruction shall have the effect of increasing the degree or extent of a nonconforming feature.
 - a. Additions that are proposed between the minimum yard requirement and the existing building line, or are consistent with the existing height, shall not be considered to increase the degree or extent of the nonconformity.
 - b. An addition shall be considered to increase the nonconformity if it extends further into required yards than the existing encroachment.
 2. No enlargement or reconstruction shall create new nonconformities or encroachments, unless a variance is approved pursuant to Sec. 3.14, Variance.
 3. The following ~~additions and reconstruction, not located within Special Flood Hazard Areas or Future Conditions Flood Hazard Areas,~~ are exempt from a minor special use permit requirement:
 - a. Improvements, or a Additions of any size, that:
 - (1) Comply with all current ordinance requirements, and proposed height is consistent with or less than the existing height of the structure; or
 - (2) Brings the ~~entire~~ structure into ~~closer conformance~~ greater conformity with current ordinance requirements.
 - ab. Improvements Projects that allow existing buildings to meet local health, sanitary, or safety code requirements or that are necessary to ensure safe living or occupancy conditions;
 - bc. Improvements Projects that require a certificate of appropriateness pursuant to Sec. 3.17, Certificate of Appropriateness;
 - d. Additions, with a maximum increase in square footage of 10%, that are proposed between the minimum yard requirement and the existing building encroachment line;

- e. Reconstruction of the nonconforming structure that is within the original building footprint and is consistent with the height of the original structure. Proposed additional square footage shall meet the parameters of paragraphs c or d above, as applicable, to be exempt from the requirement of a minor special use permit;
- f. Reconstruction, enlargement of, or improvements to a nonconforming structure that is part of a housing program initiated by or supervised by the City, County, or an entity created by the City, County, or State of North Carolina, as long as the degree or extent of the nonconforming feature is not increased; or
- ~~d. Additions, with a maximum increase in square footage of 10%, that are proposed between the minimum yard requirement and the existing building encroachment line;~~
- ~~e. Reconstruction of the nonconforming structure that is within the original building footprint and is consistent with the height of the original structure. Proposed additional square footage shall meet the parameters of paragraphs c or d above, as applicable, to be exempt from the requirement of a minor special use permit.~~
- ~~f. Reconstruction, enlargement of, or improvements to a nonconforming structure that is part of a housing program initiated by or supervised by the City, County, or an entity created by the City, County, or State of North Carolina, as long as the degree or extent of the nonconforming feature is not increased.~~

Part 2

[Amend the numeric hierarchy for the article titled "Definitions," along with the subsequent sections, from "16" to "17"]

Sec. 3.4 Comprehensive Plan Adoption/Amendment

3.4.2 Coordination with Applications for Zoning Map Change

- B.** A Comprehensive Plan Amendment shall not be required for Initial Zoning Map Changes, as defined in Sec. ~~16.3~~17.3, Defined Terms.

Sec. 5.2 Use Categories

5.2.1 In General

A. Approach to Categorizing Uses

1. The use categories found in the use table in Sec. 5.1 , Use Table, are set forth in this section. Specific uses may be further defined in Article ~~16~~17, Definitions.

5.2.4 Public and Civic Use Categories

B. Day Care

| Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. | | |
|---|---|--|
| Principal Uses Accessory Uses Uses Not included | | |
| Adult day-care program Child care center, nursery school, preschool (see definition of "school, public or private" in Sec. 1617.3 , DefinitionsDefined Terms) Latch-key program | Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility | Counseling in an office setting (see Office) In-house day care for 6 or fewer (see Household Living: Accessory Use) On-site school or facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use) |

C. Educational Facilities

| Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting. | | |
|---|---|---|
| Principal Uses Accessory Uses Uses Not included | | |
| Business, truck driving, vocational, trade and other commercial schools College, community college or university Nursing or medical school not accessory to a hospital Public, private and charter schools Seminary Preschool (see definition of "school, public or private" in Sec. 1617.3 , DefinitionsDefined Terms) | Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Cafeteria or other food service Day care Dormitory Health facility Housing for students or faculty Laboratory, library Maintenance facility Meeting area Play area, recreational or sports facility Support commercial, internal (college-operated bookstore, for example) | Dance, art, music or photographic studio or classroom (see Retail Sales and Service) Driving (see Retail Sales and Service) Martial Arts (see Retail Sales and Service) Day care as a primary use (see Day Care) |

Sec. 5.4 Accessory Uses and Structures

5.4.12 Limited Agriculture (City Only)

B. Domestic Chickens

2. Definitions

"Chicken", "Chicken Coop", and "Chicken Pen" are defined in Sec. [1617.3](#), Defined Terms.

Sec. 5.5 Temporary Uses

5.5.2 Specific Temporary Uses

F. Farmers' Markets

- In addition to the requirements of Sec. 3.12, Temporary Use Permit, the following shall be required:

- a. On-site presence of a market manager during all hours of operation.
- b. All vendors shall be producers, as defined in Sec. [1617.3](#), Defined Terms.

Sec. 8.3 Tree Protection and Tree Coverage

8.3.1 Tree Coverage Standards

B. Applicability

- 2. Developments in the RR and RS-20 Districts, and developments of less than four acres in size in the Urban Tier, shall be exempt from tree coverage requirements if enforceable assurances are provided that no mass grading as defined in Sec. [1617.3](#), Defined Terms, or clear-cutting as defined in paragraph 8.3.4, Clear-Cutting, will be utilized during the development process.

Sec. 8.5 Riparian Buffer Protection Standards

8.5.4 Riparian Buffers Protected

B. Buffers Protected

Commentary: UDO Sec. [1617.3](#), Defined Terms, defines “adjacent” as “[p]roperty abutting directly on the boundary of, touching, or sharing a common point.” The applicable state rules define “modified natural stream” as “an on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the conveyance of water.”

Sec. 9.5 Mass Grading Buffers and Revegetation

9.5.1 Mass Grading Buffers

A. Applicability

- 1. Mass grading, as defined in Sec. [1617.3](#), in the Rural, Suburban and Urban Tiers where no other site improvements are proposed shall require perimeter mass grading buffers at all exterior lot lines pursuant to this section.